

# JUDAISM

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## **ALCOHOL AND DRUG ABUSE IN THE PERSPECTIVE OF JEWISH TRADITION**

**David Novak**

## **THE CHARACTERISTICS OF JEWISH LAW**

**Rifat Sonsino**

**Robert Gordis**

## **CONSTRUCTIONISM AND CONSERVATIVE JUDAISM**

**Sidney H. Schwarz**

## **THE DILEMMA OF JEWISH EDUCATION**

**Isa Aron**

**David Ellenson**

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## STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

*Judaism* will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

## *The First Reader*

### *A Memorial to Saul Lieberman*

On the eve of Passover, last year, Professor Saul Lieberman, on his way to celebrate the festival in Israel, suddenly passed away. In the most literal sense of the term his loss is irreplaceable. There is no dearth of rabbinic scholars of the old school who command an unrivaled knowledge of the sources, but who are totally lacking in an understanding of history or of the meaning and the use of the critical method. On the other hand, a group of modern scholars and rabbis is, fortunately, coming to the fore, but they lack the in-depth knowledge of the talmudic and midrashic texts and the capacity to deal with intricate rabbinic discussions in that literature that are the result of years of absorption in such intellectual endeavor.

The combination of “old style” rabbinic knowledge and “modern” scientific method, coupled with an intimate knowledge of Hellenistic culture, both popular and elitist, and crowned by extraordinary brilliance and insight, constituted the uniqueness of Saul Lieberman in our generation. *Phillip Sigal*, a devoted and enthusiastic disciple, presents a detailed and enlightening survey of it in his paper, “The Scholarship of Saul Lieberman: Reflections On His First Yahrzeit.”

### *Sephardim and Ashkenazim: All Are Brothers*

Until the end of the fifteenth century, the Sephardim, the Jews of Spain and Portugal, were the aristocrats of world Jewry, but after the catastrophe of the Expulsion of the Jews from the Iberian peninsula their creative energies were greatly weakened. With the exception of a brief interlude among the mystics and legists of Safed in sixteenth-century Palestine, they never regained their spiritual hegemony. Henceforth, leadership passed to the Ashkenazim, the Polish-German Jews in Central and Eastern Europe.

This is the conventional interpretation of the relative roles of

Sephardic and Ashkenazic Jewry during the past five centuries. In recent years a rebirth of interest in Sephardic Jewry and its religious and cultural contributions since the Expulsion has developed.

In his paper, "Sephardim and Ashkenazim: The Classic and Romantic Traditions in Jewish Civilization," *Daniel J. Elazar*, himself a scion of Sephardim, voices a passionate protest against what he sees as a conscious effort to hide the creative achievements of Sephardic Jewry and to downgrade them by labelling them "Oriental."

The author proceeds to delineate the cultural, religious and psychic characteristics of Sephardic Jewry, who represent what he calls "the classic tradition." This he contrasts with the Ashkenazic ethos, which he dubs "the romantic tradition." His proposed contrast recalls the essay of Leo Baeck, "Classical and Romantic Religion," in which Judaism is described as the classic form and Christianity as the romantic form of religion. Such broad generalizations are notoriously hard to buttress, but they are, nevertheless, highly stimulating.

In addition, some of the demographic data on Jewish population in the past, as cited in Elazar's paper, though culled from the few authorities in the field, are little more than "guesstimates," for which there is little hard evidence. Also, the author's subsuming all non-Ashkenazic Jews, like the Yemenites, under the category of Sephardim, may also be questioned. However, the basic thrust of the paper, including its warm defense of Sephardic creativity, is unassailable and worthy of wide attention.

#### *Abraham Is Not a Role Model*

The *Akedah*, literally "the binding of Isaac" and more generally referred to as "the sacrifice of Isaac," which is the Genesis narrative describing the test of Abraham's faith by God, has continued to fascinate Christians as well as Jews through the centuries and sustained widely varying interpretations. Several have appeared earlier in the columns of this journal, including one by the editor entitled, "Addendum to 'The Faith of Abraham'" in the Winter, 1977 issue.

*Jonathan Magonet*, in his essay, "Abraham and God," suggests that, exalted as was Abraham's test of faith, it is unique in character and should not be regarded as a universal guide to practice.

#### *The Impact of Mordecai Kaplan*

The recent passing of Professor Mordecai M. Kaplan has focused attention once again on the relationship of the two movements in contemporary Judaism with which this great thinker was associated, Conservatism and Reconstructionism. How the latter emerged from the former and what the points of contact and difference are is the subject of an essay by *Sidney H. Schwarz*, "Reconstructionism and Conservative Judaism."

*A Modern View of Miriam*

Though no specific date can be assigned to the event, the biblical canon finally was fixed so that, thereafter, no book could be added or removed from the body of Scripture. Approximately half a millennium later, both the Babylonian and the Jerusalem Talmud attained to what is basically their present form so that additions and deletions were no longer possible. Henceforth, later developments in Halakhah took the form of new and independent works such as treatises, commentaries, codes and Responsa.

No such canonization took place in the field of Midrash. The religious and ethical interpretations of biblical texts, events and personalities continued to grow from the earliest examples of Midrash, which are to be found in the biblical text itself, through the centuries and to the present day.

A modern view of Miriam, the remarkable sister of Moses, is presented by *Norman J. Cohen* in his paper, "Miriam's Song: A Modern Midrashic Reading." He offers the reader a fascinating insight into the Midrashic process at work today. In the few biblical references to the prophetess, he finds clues to new religious insights and psychological understanding.

*Science and Religion Are Not Mutually Exclusive*

Religion and science represent two distinct enterprises of the human spirit. Nonetheless, there are parallels between them which are mutually illuminating. In his paper, "Uncertainty and Unity: Paradox and Truth," *Philip J. Bentley* calls attention to the importance of the principle of uncertainty in contemporary science. He then points out how religion, too, through the uses of the same principle of "uncertainty," deals with the deepest levels of reality and human experience.

*Biblical Law*

The civilization of the Jewish people in biblical times was part of the larger Semitic world. Modern scholarship has devoted considerable attention to elucidating elements of similarity between ancient Israel and its neighbors, often leaving unanswered the question of whether the resemblances are due to borrowing, or to parallel developments of a common ancestral heritage.

Though the similarities between biblical law and other ancient codes — Babylonian, Assyrian, and Hittite — are highly interesting, there are, however, fundamental differences as well. These are frequently even more significant, because they highlight the particularity of the Hebrew ethos, notably its humanitarian emphasis which derives from the uniqueness of biblical monotheism. In his paper, "Characteristics of Biblical

Law," *Rifat Sonsino* presents some striking instances of divergences between biblical and other Semitic laws and discusses the underlying motivations for them.

There is an addendum by the Editor, entitled "Adultery in Biblical and Babylonian Law — A Note."

*What Should Be the Goal of Jewish Education?*

"A teacher's lot is not a happy one," Gilbert and Sullivan might well have written. The problems encountered in the American classroom today are compounded many fold for the Jewish educator. Finding little or no support in the contemporary American-Jewish home for his goals, he must, nevertheless, strive to impart Jewish values and loyalties to his students.

That the problem is not new is demonstrated by *Isa Aron* and *David Ellenson* in their paper, "The Dilemma of Jewish Education: To Learn and To Do." They analyze a responsum by the outstanding German Orthodox scholar, Rabbi David Hoffmann, and draw some interesting implications from it for the current scene.

*Judaism Says No to Substance Abuse*

Recent studies have shown that the use of drugs has penetrated all sectors of American society, and we may be sure that Jews are not lagging behind. The growth in the use of drugs has been accompanied by a steady increase in alcoholism as well.

Jewish tradition has always permitted, if not encouraged, the use of wine and liquor in moderation and for religious purposes. Should it adopt a parallel stand on marijuana or other drugs?

In "Alcohol and Drug Abuse in the Perspective of Jewish Tradition," *David Novak* examines the implications of our tradition for these two manifestations of American group culture. He draws a basic distinction between substance use and substance abuse, arguing that, in the case of alcohol only, its abuse is forbidden, while other drugs are completely interdicted. He bases his opposition to the use of marijuana primarily on theological and ethical grounds rather than on Halakhic norms.

*We Must Continue the Dialogue*

After an initial period of stunned silence, following the Holocaust, there is now a vast outpouring of work on that subject in every conceivable genre. In her essay, "Whither Christian-Jewish Dialogue?" *Nora Levin* maintains that, nevertheless, much more needs to be said and done until the full impact of the Holocaust and its meaning for all of us will be properly understood.

**R.G.**



# *The Scholarship of Saul Lieberman: Reflections On His First Yahrzeit*

PHILLIP SIGAL

## *I. Introduction*

THE LIMITATIONS OF A PERIODICAL ARTICLE render it difficult to do justice to the full range of Saul Lieberman's work which ranged over rabbinic studies, the Dead Sea Scrolls, Palestinian Jewish history, Jewish-Roman, Jewish-pagan, Jewish-Christian relations and halakhah (religious practice).<sup>1</sup> Ideally, one should both evaluate his prolific original and often fascinating contributions to scholarship and, also, adumbrate the interesting guideposts that he set for further exploration.

## *II. Saul Lieberman: Scholar of Rabbinics*

Since its formation, a great variety of scholars have studied rabbinic literature, including the materials we know as Mishnah, Tosefta, tannaitic midrashim, the Palestinian and Babylonian Talmuds, and the many later midrashim.<sup>2</sup> For the most part, their studies were exegetical and halakhic, and not historical. Furthermore, the modern critical tools that were

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1. A brief bibliography of select major writings by Saul Lieberman follows: *Al Hayerushalmi* (Jerusalem: 1929); *Talmudah shel Keisaryah* (Jerusalem: 1931); *Hayerushalmi Kifshuto* (Jerusalem: 1934); *Tosefet Rishonim*, 4 vols. (Jerusalem: 1938-39); *Tosefta Kifshutah*, 10 vols. (New York: 1955-1973); *Tosefta*, 3 vols. (New York: 1955-1973); *Shekiin* (Jerusalem: 1939); *Hilkhot Hayerushalmi. The Halakhah of the Palestinian Talmud of Moses ben Maimon*, ed. Saul Lieberman (New York: 1947); *Greek in Jewish Palestine* (New York: 1942); *Hellenism in Jewish Palestine* (New York: 1950); *Sifrei Zutta* (New York: 1968); *Texts and Studies* (New York: 1974); "Martyrs of Caesarea," *Annuaire de l'Institut de Philologie et d'Histoire Orientale et Slave* 7 (1939-44), pp. 395-445. The latter article is found in revised form in *Salo Wittmayer Baron Jubilee Volumes*, ed. Saul Lieberman, 3 vols. (Jerusalem: 1974). In addition, Lieberman wrote numerous articles for a great number of publications in several languages, and served as editor of scholarly volumes and journals.

See, also, Phillip Sigal, "Professor Saul Lieberman," *Jewish Spectator* (June, 1968), and Alexander Marx, "Dr. Lieberman's Contribution to Jewish Scholarship," *Rabbinical Assembly Proceedings* (1948), pp. 259-271.

2. Mishnah is a collection of halakhah that was edited, according to tradition, by R. Judah the Nasi around 200 C.E. Tosefta is another collection of halakhah supplementary to the Mishnah, but, at times, containing even earlier halakhah. It was, possibly, edited by R. Hoshaya during the third century. The midrashim, both tannaitic and later midrashim, are commentaries on scripture; the two talmuds are records of discussions that took place in the academies and are centered on Mishnah, Tosefta and other text materials such as are found in the midrashim and the *beraitot* (non-Mishnaic "extraneous" texts).

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honed and sharpened on the Bible were not applied to this literature until the nineteenth century. Prior to that time, great scholars of rabbinics engaged in study as a pious exercise, the motive at best being pragmatic, in order to understand the halakhah, or to derive teachings of faith and doctrine therefrom. The thought had not yet occurred to study this corpus of rabbinic literature as a source for history, or to apply historical, literary, or redaction criticism to it. No one had yet undertaken to establish a reliable critical text, and without the certainty that there is the best possible critical text before us, many other uncertainties in halakhah, and even in theology, might be assumed.

A great deal of proto-critical work had been done during and since the Renaissance, and even in an unusual way by Elijah of Vilna,<sup>3</sup> but only out of the *Wissenschaft des Judentums* circles in the nineteenth century did there emerge an array of scholars who began to undertake a modernist approach to rabbinic literature. They might still have required a great degree of improvement in scientific critical skills, but, nevertheless, they represented a step forward from the scholars of rabbinics whom we might loosely classify as the *roshei yeshibah* and halakhic decisors since geonic times. This is underscored by the fact that Professor Lieberman had once himself referred to J. N. Epstein as "the father of critical talmudic research," a judgment which brings us well into the twentieth century.<sup>4</sup> If Epstein was the father of critical talmudic research, Lieberman became its outstanding practitioner.

Lieberman was a modern, scientific, critical scholar, in many ways a literary historian as well as an exegete. He not only emphasized the quest for accurate texts, but also had a profound interest in history. While his major work is linked with his definitive work on Tosefta, he has, indirectly, written a major commentary to the Mishnah in the material embedded and scattered throughout his *Tosefta Kifshutah* and *Tosefet Rishonim*. At the core of Lieberman's work is the recognition that, basically, Mishnah and Tosefta are the same literature, and that this fact is not changed by Tosefta having been declared *beraita*, that is, "extraneous matter" and excluded from the corpus edited by R. Judah the Nasi. Lieberman links them in endless ways in his Tosefta commentary. Furthermore, his identification with his Tosefta commentary should not divert the student from recognizing that, quite early in his career, he established a reputation as a rare specialist in the Palestinian Talmud. His first important scholarly publication is *Al Hayerushalmi*, which deals with corruptions in the transmission of the text of the Palestinian Talmud, and provides variants for readings of the standard Palestinian text of tractate *Sotah*. In *Talmudah shel Keisaryah* (1931), Lieberman hypothesizes a mid-

3. For Elijah's critical work see Louis Ginzberg, "The Gaon, Rabbi Elijah Wilna," *Students, Scholars and Saints* (New York-Philadelphia: 1958), pp. 125-144. See pp. 136 ff.

4. Lieberman, *Sifrei Zutta*, p. 135.

fourth century date for the original tractate of Palestinian *Nezikin* consisting of *Baba Kama*, *Baba Mezi'ah*, and *Baba Batra*. Soon after this, in 1934, there followed his *Hayerushalmi Kifshuto*, a commentary to the Palestinian tractates of *Shabbat*, *Eruvin* and *Pesahim*.

The central consideration for Lieberman was his conviction that to comprehend the Palestinian Talmud fully it is necessary to set the entire tannaitic literature into correct focus. And, in this connection, he asserted, it is especially important to turn meticulously to the much-neglected Tosefta. Lieberman was not a pioneer in this work, but he was certainly one of a small coterie of scholars of rabbinics, for very few of both the prolific classical commentators and of the more recent scholars had interested themselves in this corpus and undertaken serious work on Tosefta.<sup>5</sup> The traditional scholar was locked into the standard idea that we were all taught at the *yeshivot*: the Mishnah is the authoritative work of halakhah, and is best exegeted and supplemented in the Babylonian Talmud. Tosefta and the Palestinian Talmud were, therefore, not in the curricula, and came in for only rare mention, if any, and then with caution so as not to lose sight of the authority of the Mishnah and the Babylonian Talmud. In this matter, therefore, Lieberman effected a historical revolution. Hereafter, no serious scholar of rabbinics, or of halakhah in particular, will be considered authentic unless he gives as much attention to Tosefta and the Palestinian Talmud as to Mishnah and the Babylonian Talmud.

What set Lieberman upon his life's work was the conviction that the illumination of the Palestinian Talmud required a) careful critical research into the tannaitic literature and b) the best possible critically prepared text of Tosefta. He soon produced: 1) *Tosefet Rishonim* in four volumes, containing commentary and textual corrections based upon manuscripts and early editions, along with quotations from early commentators; 2) *Tashlum Tosefta*, an introduction to the 1937 edition of M. S. Zuckerman's *Tosefta*, concerning early Tosefta quotations not found in the Zuckerman text; 3) and the *magnum opus*, *Tosefta Kifshutah*. The text is based upon an important Vienna manuscript and variants, with

5. Two commentaries on the entire Tosefta generally appear with the standard text that is printed in the Vilna editions of the Talmud. These are *Tana Tosefta* by Samuel Avigdor b. Abraham, consisting of two sections entitled *Minhat Bikurim* and *Mizpeh Shmuel*; *Hasdei David* by David Pardo: I, *Zeraim* and *Nashim* (Leghorn: 1777); II, *Nezikin* (Leghorn: 1790); III, *Kadashim* (Jerusalem: 1890). In 1970, Professor Lieberman edited and published a previously unpublished fourth division of the Pardo commentary, *Seder Taharot* (Jerusalem: 1970). There are also commentaries that cover only individual tractates, among them Abraham Abali, *Magen Avraham* to *Nezikin*, and Elijah of Vilna's notes to *Taharot*. Among moderns, Zekhariah Frankel and others have preceded Lieberman in working on Tosefta. See, for example, Zekhariah Frankel, *Darkhei Hamishnah* (Leipzig: 1859), pp. 304-307. Prior to the advent of Lieberman's new work, the best edition of the Tosefta was that of M. S. Zuckerman, *Tosefta*, rpt. (Jerusalem: 1963), first published at Pasewalk in 1880. This work made use of the important Erfurt manuscript.

extensive commentary that consists of philological and historical material, and wide-ranging bibliographical information of exhaustive literary sources in which a particular text is quoted or explained.

Among the other writings in rabbinics are *Hilkhot Hayerushalmi*, which Lieberman identifies as a fragment of a halakhic work on the Palestinian Talmud by Maimonides, and *Sifrei Zutta*, a halakhic midrash. Lieberman established the editor of this work to be Bar Kappara, and the provenance of the midrash to be Lydda, the only great center, outside of Sepphoris, in the days of the last tannaim.<sup>6</sup> He also argues that this is a tannaitic midrash that uses mishnaic material other than that of R. Judah the Nasi, and posits that the editor used the Mishnah of R. Nathan, albeit he quoted from it anonymously.<sup>7</sup>

Scholars of the Mishnah and Tosefta are aware that Tosefta contains many explanatory allusions to the Mishnah.<sup>8</sup> Lieberman documents this phenomenon in very precise ways throughout his *Tosefta Kifshutah*, indicating glossed mishnaic lines and whole clauses that can be understood better from a mishnaic context. These relationships are correlations, and are not to be taken as indicating the content of Tosefta to be later than all of the content of the Mishnah. On the contrary, the Tosefta frequently contains earlier halakhah, and there are mishnaic pericopae that utilize such earlier common material.

Unlike some scholars, I would not consider Tosefta an "example of a commentary," or as "a development of Mishnah's law to the next logical stage. . ."<sup>9</sup> Whether Tosefta pericopae correlate with Mishnah or contain autonomous material, the corpus Tosefta was compiled as an independent digest and supplemented the Mishnah. The analogues between Mishnah and Tosefta are evidence for parallel traditions and not that the latter responded to the former. Third century scholars utilized *beraitot* (extraneous or "extra-canonical" traditions). Some of these traditions that had been excluded from the Mishnah are paralleled in Tosefta.<sup>10</sup> Zekha-

6. Louis Ginzberg, *Jewish Encyclopedia* II, 503-505, dated Bar Kappara to the beginning of the third century, but, as a younger contemporary of R. Judah the Nasi, his teaching can also be considered second century. He was also known as author or editor of mishnaic collections (P. Hor. 48c; Pes. 37d; B. B. B. 154b, and elsewhere).

7. Lieberman, *Sifrei Zutta*, pp. 90f., 92, 122f.

8. See, for example, an early work by Boaz Cohen, *Mishnah and Tosefta* (New York: 1935), and a more recent one by Benjamin DeVries, *Studies in Talmudic Literature* (Jerusalem: 1968).

9. Baruch M. Bokser, *Post-Mishnaic Judaism in Transition* (Ann Arbor, Mich.: 1980), pp. 444f. The amora, Samuel, might have prepared a commentary to tractate *Berakhot* and used Tosefta extensively, but one should see Tosefta only as a digest of alternative halakhah to that of the Mishnah.

10. Bound up with this question is the problem of Mishnaic priority and pluralistic halakhic authority. See, for example, Bokser, *Op. cit.*, pp. 458f., n. 87. Bokser suggests that Tosefta served as commentary to Mishnah, but he came closer to the truth when he wrote, (*Ibid.*, p. 459), that, despite R. Judah the Nasi's apparent desire to present an authoritative arrangement of teachings, many sages asserted their freedom. Here we have precisely the reason why Tosefta was compiled: as an alternative corpus which could offer free competition to

riah Frankel had perceived that Tosefta was not conceived or compiled to be a commentary to the Mishnah although, at times, it explains terms that are left indefinite in the Mishnah.<sup>11</sup> But this need mean no more than that, beginning with the same set of constructs, Tosefta makes its point more clearly. Both redactors derive their material from the same common matrix, but the editor of the Mishnah was not as concerned about clarification and supplementization as was the compiler of the Tosefta. It is suggestive that the redactor of the Tosefta, more so than the redactor of the Mishnah, functioned with a halakhic intent and not as a commentator when he deepened or extended the material that he worked with.

Lieberman's vast ability to draw from many sources can be seen from a class discussion of the marriage *ketubah*, with its entire complex of non-Torahitic halakhot. The result was a lesson in both theology and the evolution of halakhah. He indicated that the Torah sanctioned many practices common to the Semitic world, retaining pre- and non-Israelite institutions and customs. Although I never recall him expressing himself precisely on the doctrine of revelation, he did, with this view, imply a rejection of the traditional doctrine of revelation as including God's direct teaching to Moses of all the civil and criminal law embodied in the Torah. This offered a fresh understanding of the often-expressed rabbinic agadah that the patriarchs observed the Torah.<sup>12</sup>

These comments were made in reference to the dispute in the Talmud as to whether the *ketubah* was Torahitic or rabbinic in origin. It was here, too, that he pointed to halakhic evolution from the rudimentary *ketubah* found in Tobit 7:9-14, where a "document of cohabitation" is mentioned and in which it is written that the father gave his daughter as wife to her betrothed "according to the decree of Moses," *kedat Mosheh*. In Tosefta, an analogous document has the formula *kedat Mosheh veyisrael* "according to the law of Moses and of Israel." But that is not the phraseology in Tobit, nor is it the quasi-liturgical formula recited under the *hup-pah* and bracketed with *berakhot*.<sup>13</sup>

Of further significance in Lieberman's discussion of *ketubot* was the historical inference that he made from a Mishnah pericope in order to

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the halakhah that R. Judah sought to impose, and not as a commentary. In this I concur with the older view of Jacob Lauterbach, "Tosefta," *JE* XII, 207. See, also, n. 13 below.

11. Frankel, *Darkhei Hamishnah*, pp. 305f.

12. See Gen. R. 95:3; B. Yom. 28b; M. Hul. 7:6 reflecting the opposing idea that the observances were not in effect before Sinai. See, also, Jub. 33:16 and Philo, *Abraham* 8 (46). (The reference to Philo is from the Loeb Classical Library edition.)

13. M. Ket. 13:11; B. Ket. 10a, 110b; P. Ket. 36b; T. Ket. 4:9. My remarks here are from my lecture notes of 1950. This Tobit-Tosefta correlation also suggests that material in rabbinic literature often reflects much older tradition than the date of the text itself, and indicates the precariousness of attempting to date rabbinic material late simply because the texts we have are from a later period.

date the text to pre-70 C.E. The passage discusses the question whether the wives of priests become prohibited to their husbands during gentile military occupation of their towns, and asserts that, as long as any witness at all, even one normally not accepted, can testify that the woman has not been violated, she is permitted to her husband. Within this context there is an illustration, however, of the halakhah that even though a male or female slave is accepted as witness, a person (the husband) cannot testify on his wife's behalf. The illustration is of an episode involving a certain R. Zekhariah ben hakazab. Although *kazab* means a "butcher," Lieberman pointed out that, in this context, it refers to a priest and that his oath, "by this Temple," that his wife was never out of his sight, indicates that the Temple was still in existence, placing the context of the pericope pre-70 C.E. One might argue that the pericope was an anachronism, or an illustration given from ideal circumstances. But, in further exegesis of the pericope, Lieberman elucidated how the context referred to the Roman pillage of Jerusalem in 66 C.E., after which Florus, the governor of Judea, left the city. This explains the Mishnah's words that R. Zekhariah swore that his wife's "hand never left my hand" until the Romans departed and, as Lieberman indicated, they did not depart after 70 C.E.<sup>14</sup> Here is an example of dating by historical allusion, a far more secure way than the currently popular form criticism.

One concluding remark is in order relative to the question of *ketubah*. In 1953, in one of his rare forays into contemporary halakhah, Lieberman wrote a *takkanah* in the nature of a special clause to be inserted into the *ketubah* of the Rabbinical Assembly.<sup>15</sup> This *takkanah* would enable a *bet din* (an ecclesiastical court) to request the secular judicial instrumentalities to call upon a recalcitrant husband to execute a *get* (religious divorce) in a case where a civil divorce has been obtained.<sup>16</sup> This new *ketubah* has been upheld in one case in the New York state courts and, recently, the New York state assembly enacted legislation that would achieve the same result. In its day, and as the work of a scholar who was recognized even in Orthodox circles, this *takkanah* was a significant and courageous step forward even though it did not confront the basic issue of the equality of male and female under halakhah. *Aliyot* for women (1957), women being counted in the *minyan* (1974), and the right of women to ordination as rabbis (1983) were all in the future.

14. M. Ket. 2:9. See, also, Josephus, *The Jewish War*, II, 14, 6 (293) - 15, 6 (332). (The Josephus edition referred to here is that of the Loeb Classical Library). The use of "Rabbi" with Zekhariah's name would normally signify an anachronism. But it is possible that Zekhariah became a post-70 rabbi, and his current title, familiar to the hearer, is used for the earlier episode.

15. A *takkanah* is a positive enactment; a *gezerah*, a prohibitive enactment.

16. For a brief review of the matter as transacted by the Rabbinical Assembly see *The Rabbinical Assembly Proceedings*, 1954, pp. 62-83.

III. *Saul Lieberman's Wide-Ranging Interests*

Lieberman was familiar with all the variegated corpuses of literature that impinged upon rabbinic literature. Aside from the entire range of Judaica — encompassing halakhic, aggadic, and mystical sources — he was at home in the classical Greek and Latin writers, the apocrypha, the Dead Sea Scrolls, Jewish and pagan hellenistic writers, the New Testament and its apocrypha, and the writings of the church fathers.<sup>17</sup> A quick review of the contents of *Texts and Studies*, for example, offers an excellent panorama of the Lieberman landscape. Here we find, among others, critical philological and lexicographical articles, material dealing with the Qumran literature, and an article on the medieval Christian study of Judaism. The incisive scholarship in them offers us myriad insights and hypotheses with which we can better understand texts, evaluate historic events and eras, and acquire a documented approach to the interrelationship of cultures and religions. Above all, Lieberman's researches point to the validity of nineteenth century historical scholarship, upon which are based all of the modern tendencies in Judaism, and his studies can profitably be applied to halakhic and theological questions that continue to agitate contemporary Jews. He proved that, quite frequently, the rabbis accepted contemporary cultural influences and received into Judaism what were clearly practices that originated outside of it.

In large degree, Lieberman's researches involved philological and lexicographical study. He cast light on obscure exegesis which was sometimes based upon inadequate dictionaries and lexica which, in turn, he brought to the attention of the scholarly world.<sup>18</sup> He set in place guideposts to many areas of Judaeo-Christian studies, to contemporary halakhic revitalization, and to theological reflection. Two samples of his work will serve as paradigms.

A. *Rabbinic, Hellenistic and Christian Studies*

The chapter, "Oaths and Vows," offers an example of researches that both impinge upon the New Testament and offer ramifications for the contemporary halakhic process.<sup>19</sup> Lieberman shows how various aspects of the rabbinic material on vows and oaths are better understood by recourse to Greek parallels, including New Testament examples. Jewish usage included terminology and formulae common to the Greek-

17. Perhaps less known than most of his writings is one of Lieberman's forays into the mystical texts in which he proved the tannaitic origin (pre-200) of the kabbalistic work *Shiur Komah*. See Saul Lieberman, "Mishnat Shir Hashirim," in Gershom G. Scholem, *Jewish Gnosticism, Merkabah Mysticism and Talmudic Tradition* (New York: 1960), Appendix D, pp. 118-126.

18. See Saul Lieberman, "Defective Transliteration of Greek Words in Rabbinic Literature," *Jewish Quarterly Review*, 73 (July, 1982): 62-64.

19. *Greek*, "Oaths and Vows," pp. 115-143.



speaking neighbors, and even ancient incantation formulae found in magical texts. One such text surfaces in Tosefta,<sup>20</sup> and the rabbis sought to determine when similar strange formulae had halakhic validity.

Other ramifications emerge from Lieberman's examination of this material. He draws our attention to interesting parallels in Philo and *Song of Songs Rabbah*.<sup>21</sup> The midrash cites S. of S. 2:7 which reads, "I [God] adjure you daughters of Jerusalem, by the gazelles and the hinds of the field. . ." Four midrashists comment upon the verse and offer three different views of the object sworn by in this verse: 1) by heaven and earth, that is, celestial and terrestrial hosts;<sup>22</sup> 2) by fathers and mothers;<sup>23</sup> 3) by the blood of martyrs poured out like the blood of a slaughtered gazelle or hind;<sup>24</sup> 4) by the generation sorely persecuted. These various substitutes are elements used by an oath-taker to avoid the name of God. A reading of Philo reveals that the same elements were used in Egypt:

. . . the oath should be by a father or mother . . . not indeed the highest and most venerable and primal cause, but earth, sun, stars, heaven, the whole universe.<sup>25</sup>

Philo thus reflects the same elements as the midrash.<sup>26</sup>

Actually this use of a secular substitute for a divine name is far older. As Robert Gordis pointed out long ago, in the Song of Songs 2:7, the oath formula, "I adjure you O daughters of Jerusalem by the gazelles and the hinds of the field" (*b'Zebaot o be'ayalot hasadeh*), is a substitution for "I adjure you . . . by the Lord of Hosts or Almighty God" (*b'Elohei Zebaot o b'El Shaddai*). The biblical formula thus combines three features: it replaces the name of God by a non-sacred object and uses words that are similar in sound to the original terms employed in oaths. Such secular substitutions for sacred names are met with in many languages, both ancient and modern. In addition, the hind and the gazelle are familiar symbols of love in Hebrew and Arabic poetry, so that the substitution is

20. T. *Sheb.* 3:7; Cf. B. *Sheb.* 35a; P. *Sheb.* 35d.

21. (Translations of Hebrew and Greek from Old Testament, midrash or New Testament are my own.) In *The Special Laws* II, 1-9, Philo offers a comprehensive discussion of vows and oaths. See also S. of S. R. 2:7, 1; Lieberman, *Greek*, pp. 124f.

22. The midrashist, R. Eliezer, took the Hebrew *zebaot* of *bizebaot*, "by the gazelles," as derived from *zaba*, "host." Rabbinic allegory takes the "I" of this verse, "I adjure you . . ." to refer to God.

23. Another midrashist, R. Hanina bar Papa, used a different word-play for *bizebaot*; he took it as derived from *zibyon* "caprice," in the sense of "my will," that is, "those who did my will," that is, the ancestors. The merit of this is not germane to our discussion.

24. Cf. IV Macc. 10:15, where we have an illustration of an oath "by martyrs," and other formulae in the story of the martyrdom of Hannah and her seven sons. The verse reads, "By the blessed death of my brothers, by the everlasting destruction of the tyrant, by the glorious life of the pious. . ." See *The Third and Fourth Books of Maccabees*, ed. and trans. Moses Hadas (New York: 1953), p. 201.

25. Philo, *Special Laws* II, 1 (2-5).

26. See further, *Ibid.*, II, 2 (6).



particularly appropriate in the amorous context of the Song of Songs.<sup>27</sup> This usage was probably recognized by the Septuagint in its translation of Song of Songs 2:7 as "By the powers and forces of the field," just as the first midrashist, referred to earlier, rendered it as referring to celestial and terrestrial powers.

The gospels offer further parallels. Incorporated into the Sermon on the Mount, which is a collection of the highlights of many sermons, there is an excerpt from one that Jesus delivered on Lev. 19:12, to which he appended Ps. 50:14. After paraphrasing these verses Jesus says, "... do not swear at all, neither by heaven . . . nor by the earth . . . nor by Jerusalem . . . nor should you swear by your head . . ." (Mt. 5:33-37). Again we have here elements used by oath-takers as substitutes for God. In this case, Jesus considers them all invalid.<sup>28</sup>

It has been shown by others that, among the pagans, as well, such terminology was used in oath-taking as an "escape formula." That is, the oath-takers sought to avoid the use of the names of gods in case the oath were to remain unfulfilled, a condition before which they stood in great dread.<sup>29</sup> It is this "escape" which Jesus opposes, demanding that one's language always be explicit and precise, and that one should, therefore, take no oath at all with any term whatsoever.

The foregoing discussion brings to the surface a number of significant ramifications. A scan of Lieberman's reference notes to "Oaths and Vows" reveals how material was woven together from classical, hellenistic (Jewish and pagan), rabbinic, Qumranic and New Testament literature, attesting to the use of substitutes for God, and delineating the variegated terms used in oath and vow taking. These researches, however, have yet to be fully digested and worked over for a proper understanding of first century halakhah and its implications for the modern process.<sup>30</sup>

Looking at another important aspect of this matter, the dating of rabbinic literature, in this case, as in many other instances of Lieberman's researches, we gain insight into the antiquity of many traditions that were thought by modern scholars to be late. In the three sources under consideration (Philo, New Testament and Midrash Rabbah) it is indicated that Jews were addicted to oath-taking with a wide variety of formulae in

27. This explanation of the biblical usage is set forth by Robert Gordis, "Commentary on the Song of Songs," in the *Mordecai M. Kaplan Jubilee Volume* (New York: Jewish Theological Seminary, 1953). See, also, his book, *The Song of Songs and Lamentations* (New York: KTAV 1961), pp. 26ff.

28. Cf. James 5:12. The use of Jerusalem in a vow is found at M. Ned. 1:3; by the head, M. San. 3:2; at M. Sheb. 4:13 we find heaven, earth, *bizebaot* (hosts), and epithets and attributes of God. Origen also mentions the custom of Jews swearing by the heavens (*Contra Celsum*, trans. Henry Chadwick [London/New York, 1980], pp. 331f.).

29. See further on this, Gordis, *Op. cit.*, p. 27, and Lieberman, *Greek*, pp. 125 ff.

30. Thus, Lieberman did not enter into a discussion of all the ramifications of the parallel oath passage at Mt. 23:16-22, such as the relationship of Jesus to the "scribes and Pharisees," and that of the latter to the protorabbis with whom Jesus ought to be identified.

order to circumvent the use of God's name. Lieberman pursued neither the ramifications of New Testament materials nor the problem of dating sources, as these were not among his primary interests, but his researches did spotlight the hazard of dating rabbinic materials late. Our present literary documents, encompassing the talmudic and midrashic corpuses, were edited relatively late, that is, during the second to the ninth centuries. But their content is very old, as is evident when we have, as here, a midrash with parallel material in Philo and the Gospel of Matthew and allusion to the Septuagint. This signifies material that was extant in the first century C.E., possibly in the first century B.C.E., and, in turn, based upon oral or written traditions going back to the third century B.C.E. When three such works coalesce, it is clear that the tradition itself must be older than the oldest of the sources. In this case, the oldest source is Philo, unless we also include the Septuagint's *targum*. This, in turn, has other implications for traditions found in Philo that are paralleled in the Tosefta where the Tosefta differs from the Mishnah, suggesting that the Philo-Tosefta tradition preserves older halakhah than does the Mishnah.<sup>31</sup>

### B. Theology

Lieberman's interest in theology is seen in his article, "Some Aspects of After Life in Early Rabbinic Literature," as well as in "On Sins and Their Punishment." In these contributions to Judaeo-Christian studies, we find evidence of his extensive familiarity with Christian literature and his theological, even sometimes esoteric, interests. We also find here what which might be termed an examination of parallel structures in different religions that arise from human imagination, or from the belief that special people had important celestial visions. Thus, he discusses visions that describe ascensions into heaven and descents into hell that are known from both eastern and western literature.<sup>32</sup>

As Lieberman notes, there are three significant Christian writings that offer vivid descriptions of hell: the *Apocalypse of Peter*, the *Acts of Thomas*, and the *Apocalypse of Paul*.<sup>33</sup> These descriptions have their paral-

31. Sigal, *The Emergence of Contemporary Judaism*, Vol. I, Pt. 1, pp. 314-318, and notes.

32. See for example, "Some Aspects of After Life in Early Rabbinic Literature," *Texts and Studies*, pp. 235-272; originally published in the *Harry A. Wolfson Jubilee Volume* (Jerusalem: 1965). Here I discuss only aspects of "On Sins and their Punishments," *Texts*, pp. 29-56.

33. Lieberman, "On Sins," pp. 31f. These three writings can now be found conveniently in Edgar Hennecke, *New Testament Apocrypha*, ed. Wilhelm Schneemelcher, English trans. ed. R. McL. Wilson, 2 vols. (Philadelphia: 1965), Vol. II; *Acts of Thomas*, trans. R. McL. Wilson, pp. 425-531; *Apocalypse of Peter*, trans. H. Duensing, pp. 663-683; *Apocalypse of Paul*, trans. H. Duensing, pp. 755-798. These apocalypses of Peter and Paul should not be confused with books of the same name found in *The Nag Hammadi Library*, trans. James M. Robinson et al (New York-London: 1977).

lels in rabbinic literature,<sup>34</sup> and he discusses some of them in a way that goes well beyond previous attention to this type of material.<sup>35</sup>

For example, in the *Apocalypse of Paul*, we have material translated into Latin from Greek, the Greek going back perhaps to the third century.<sup>36</sup> This brings us to a time contemporary with the later mishnaic and early talmudic teachers. But it is also likely that the author of this apocalypse was familiar with the *Apocalypse of Peter*, which takes us back into the first half of the second century when it is mentioned by Clement of Alexandria. Should the hypothesis be correct that the *Apocalypse of Peter* refers to Bar Kokhba, then we have apocalyptic literature delineating compartments of hell and describing the torments of sinners as early as soon after 135 C.E.<sup>37</sup> Further, Lieberman shows that the torments which one reads about in the visions of celestial hell in both Jewish and Christian sources resemble, in many ways, the types of actual punishment meted out by the Romans at that time, that is, the celestial hell was frequently a copy of the terrestrial hell that already existed.<sup>38</sup>

### Summary

Lieberman, the scholar of rabbinics, brought all of the ancient sources into relationship with rabbinic literature. He was an erudite, imaginative, comprehensive and ingenious scholar. He was both *sinai* and *oker harim*, as it is termed in rabbinic literature, a repository of the sources and a penetrating critic and original thinker. To have known the man and to have sat at his feet was a divine blessing.

34. See *Apocalypse of Paul*, Chapters 31-42, Hennecke, *Op. cit.*, II, pp. 779-786; cf. *P. Hag.* 77d; *San.* 23c; *Apocalypse of Peter*, Ethiopic text, 7-12, Hennecke, *Op. cit.*, II, 672-678; *Acts of Thomas*, 55-57, *Ibid.*, pp. 473-475.

35. Lieberman, *Texts*, p. 32, n. 25.

36. *Ibid.*, p. 32; see also Duensing, *New Testament Apocrypha* II, p. 755.

37. Duensing, *Op. cit.*; II, 664; Bar Kokhba might be alluded to in *Ap. Pet.* 2, *ibid.*, p. 669, in the line, "But this deceiver is not the Christ. And when they reject him he will kill with the sword (dagger) and there shall be many martyrs."

38. See Lieberman, "Roman Legal Institutions in Early Rabbinics and in the *Acta Martyrum*," *Jewish Quarterly Review* 35 (1944): 1-55; see pp. 14 ff. This is republished in *Texts*, pp. 57-11; see pp. 70 ff.; and see "On Sins," pp. 48ff.

# *Sephardim and Ashkenazim: The Classic and Romantic Traditions in Jewish Civilization*

DANIEL J. ELAZAR

## *The Turning Point*

WITH THE COMPLETION OF THE FIRST GENERATION of Israel's statehood in the mid-1970s and the beginning of the second, we have reached a turning point in relations between Sephardim and Ashkenazim parallel to that which occurred in the passage from the middle to the last generation of the nineteenth century, exactly 100 years ago. At that time, the Sephardim began to lose their hegemony over the Jewish *yishuv* (settled population) in Erez Israel to the Ashkenazim. Today, the Ashkenazim are beginning to lose their hegemony in Israel to the Sephardim. Just as the last generation of the 19th century saw a cultural-political struggle between the two groups, so, too, will the last generation of the 20th.

For roughly six centuries, from 1268 when the Ramban (Nahmanides) reestablished the Jewish community in Jerusalem, to the 1860s when the Ashkenazi *kollelim* (communities organized around *yeshiva* scholars) managed to gain *de facto* and even *de jure* recognition as separate communities outside the hegemony of the *Va'ad HaEdah HaSepharadit* (Council of the Sephardic Community), the hegemony of the Sephardim in Israel went virtually unchallenged. Certainly no challenge was even remotely successful. Indeed, it can be said that except for the generation and a half following the immigration of "300 French and English rabbis" who came to the country in 1210-11 C.E. and settled in Acco to help restore Jewish life after the destruction wrought by the Crusades, there never was a time when Erez Israel was not within the control of the Sephardim or their ancestors. For a time, in the late 18th and early 19th centuries, Ashkenazim could not even openly settle in much of the country, running the risk of arrest, imprisonment, expulsion, and even death on the part of the Ottoman authorities because of debts that had been incurred by an earlier migration which had run afoul of the government.

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This situation was parallel to, and reinforced by, the demographic balance in the Jewish world. According to Arthur Ruppin's calculations, in the eleventh century Sephardim represented nearly 94% of world Jewry, Ashkenazim were less than 7%. By 1300, at the time when the Sephardim regained their hegemony in Erez Yisrael after the brief Ashkenazi interlude, they still represented 85% of an estimated two million Jews in the world. This demographic situation shifted slowly. In 1650, at the beginning of the modern epoch, Sephardim still represented 60% of the world's 1,750,000 Jews. By 1700, the two groups were approximately the same size with a million in each.

This rough equality was preserved throughout the 18th century, but, in the 19th century, improved conditions in Europe led to a population explosion among Ashkenazim which spectacularly swelled both their absolute numbers and their proportion of the total Jewish population. The figures tell the story. In 1800, the Sephardim still comprised 40% of 2.5 million Jews in the world, which means that the number of Sephardim had not grown at all in the intervening century while the number of Ashkenazim had increased by 50%. In 1840, when Ashkenazim began to settle in Israel again, the number of Sephardim in the world had actually fallen to 900,000 while the number of Ashkenazim had grown to 3.6 million, so that Ashkenazim were already 80% of the 4.5 million Jews estimated to be alive at the time. In 1860, when Sephardic hegemony was broken, the percentages were almost the reverse of those of 1300, with 13.4% of the Jewish population Sephardim and 86% Ashkenazim. The Ashkenazic percentage of the world Jewish population crossed the 90% mark in 1900 and reached its peak in 1930 at 91.8% of 15.9 million Jews.

Even before the Holocaust, the Sephardim began to regain ground and, despite their losses to the Nazi murder machine, gained even further as a result of the destruction of Ashkenazic Europe by the Nazis. They continued to gain as a result of migration out of the Islamic countries to Israel, Western Europe and the New World where improved conditions lowered their mortality rate. In 1970, it was estimated that 16.4% of the 14 million Jews in the world were Sephardim and 83.6% Ashkenazim, a ratio which has apparently continued to change in favor of the Sephardim during the last decade. Most important of all, in Israel the Sephardim have become a majority. Hence, they are potentially the dominant group in the center of the Jewish world.

To recapitulate, Israel faces the future with a Sephardic majority. The Jews of the United States, the world's largest Jewish community and the only counterbalance to Israel on the world Jewish scene, are overwhelmingly Ashkenazic (the ratio of Sephardim to Ashkenazim in the United States is roughly the ratio of Jews to the total American population). The Soviet Union, the second largest Jewish community in numbers, remains principally Ashkenazic, but is ineffective as a community, while France, the fourth largest community, has, in the past

two decades, also acquired a Sephardic majority and one which is growing ever more articulate in the expression of its Jewishness and its Sephardic heritage. Hence, given these trends, it should not be a surprise that the Sephardim have begun to flex their muscles once again on the world Jewish scene.

### *One People, Two Worlds*

I have deliberately used the term Sephardim to describe that branch of Jewish people whose roots are in the Mediterranean world and western Asia, with their eastern and western diasporas. There are those who argue that the term "Sephardi" should be used only in the technical geographic sense to designate those Jews whose ancestors lived in the Iberian peninsula and, most particularly, the *Spaniolim* who preserved Spanish ways and Judeo-Spanish (Ladino) as a language after their exile from the peninsula at the end of the fifteenth century. In one sense, a case can be made on behalf of that limited definition, but in another it is quite misleading. Not only was the term *Sepharad* itself applied relatively late to Iberia, but the geo-cultural distinction gets at only part of the uniqueness of the Sephardim as a group. In Jewish terms, what is most important is not the narrow culture acquired in any particular country of exile by any particular Jewish population, but the broader issues of *halakhah* and *mishpat* (Jewish law), community organization and cultural ways. In these respects, the Sephardic world is a single whole from the Atlantic to the Indian Ocean.

In its sweep, the Sephardic world parallels the world of the Ashkenazim to the north. In the narrow geo-cultural sense, the terms Ashkenaz and Ashkenazim refer only to the Jews of northern France and western Germany and their peripheries. In the course of time, the *halakhah*, *mishpat*, patterns of community organization, and ways of those Jews spread both eastward and westward to embrace large Jewish communities geographically far removed from original Ashkenaz, the bulk of whose Jewish populations reached them from other sources. Whatever their internal differences, they share a common Ashkenazi heritage. So it is with Sephardim.

From the time that these two groupings emerged in Jewish history in the late tenth and, most especially, in the eleventh century, to become the two principal divisions of the Jewish people, until the twentieth century, each world was a highly integrated communications network within the larger Jewish whole. This is not to say that Jewish unity did not prevail over and above all else. While there are piquant stories of internal discrimination among Jews, they are the exceptions rather than the rule. Under virtually all circumstances, Jews, whatever their origins, felt and feel responsible for one another, shared and share a common Torah and *halakhah* (which they may individually choose to ignore, true enough) and

common approaches to community organization, and are even more alike, genetically and culturally, than they are different. Nevertheless, within that context these two divisions were dominant for approximately a millenium.

What of the differences within the Sephardic camp, the divisions between Moroccans and Iraqis, Spaniolim and Egyptians, or even between *Halebim* (Jews of Aleppo and Aram Tzovah or northern Syria) and the Jews of Damascus? All these are real enough on one level, just as differences between Litvaks and Galicianer, *Yekim* (German Jews) and *Pailishe* (Polish Jews), are real on a similar level in the Ashkenazi world. Indeed, whatever the tensions between Ashkenazim and Sephardim today in Israel, they do not approach the attitude of German Jews toward the so-called *Ostjuden* (Jews of eastern Europe) in the late 19th and early 20th centuries.

All that happened was that the Ashkenazim reached a level of internal integration a generation or two before the Sephardim, because of their earlier migration from their original lands of settlement and reintegration within new worlds. The Sephardim are only now beginning to reach that stage as a result of undergoing a similar experience a generation or two later, but let there be no doubt in anybody's mind as to the trend. The emergence of bodies such as the World Sephardi Federation, on the one hand, and common forums for Sephardim from all their various countries of origin in Israel, on the other, are institutional manifestations of the common identity which Sephardim of all kinds are busy discovering.

How is it that Babylonian or Yemenite Jews, who never called themselves Sephardim and who apparently share so little of the heritage of the Mediterranean culture, are properly included in the Sephardic world? First of all, we have the evidence of history. With three exceptions — an initial crossing of the Alps in the days of the Roman Empire by a handful of Jews who accompanied the Romans, a subsequent crossing of the Alpine barrier a thousand years later by another handful from Italy to plant the seeds of the Ashkenazic world, and then the recrossing of our own time connected with the return to Erez Israel, still another millenium down the road — the culturally significant migrations of Jewish history have been divided into two separate pools. South of the mountains which, from the Caucasus to the Pyrenees divide northern and southern Europe, was the inter-regional migrational network which became the world of the Sephardim, while to the north was the network which became the world of the Ashkenazim.

This is not to say that there were no cross-migrations of individuals and groups throughout the period. Biologists, for example, have come to recognize that the similarities and differences in the Jewish genetic pool do not follow these two divisions. But the cross-migrants assimilated into their new environments rather than planting the patterns which they



brought with them. The many Jewish families bearing the name “Ashkenazi” who are indisputably Sephardim, and Ashkenazi personal names such as “Shneur Zalman” and “Peretz” which are actually corruptions of Spanish words attest to that. Thus, in terms of cultural influence, the two spheres remained able to absorb in-migrants, thereby simultaneously maintaining overall Jewish unity and their own subcultural autonomy.

The predominant lines of cultural environment, then, within the two spheres, were products of the internal interaction of their respective parts. Perhaps the most Jewishly significant manifestation of this was in *halakhic* development. Again, what is most remarkable about the Jewish people is the *halakhic* unity which was maintained despite exile and dispersion to all corners of the known world. But within that unity two clear patterns of *halakhic* development did emerge, based on the division between Sephardim and Ashkenazim. The unity and the diversity are reflected most clearly in the fact that the *Shulhan Arukh*, compiled by the Sephardi R. Joseph Caro, became the universal *halakhic* reference of the Jewish people, but was acceptable to the Ashkenazim only after R. Moses Isserles added the *Mapah* to adapt it to Ashkenazic custom. The respective spheres of *halakhah* and *minhag* (local custom) are so important that one is tempted to say that the definition of Sephardim and Ashkenazim today, in an age in which most Jews do not follow the *halakhah*, should be based upon which *halakhic* tradition particular Jews ignore.

The historical research of recent decades now makes it possible to trace the transmission of Jewish law from community to community since the completion of the Talmud (itself a product of the interaction between the Jews of Erez Israel and Babylonia). After an initial transmission via Italy, the mother communities of Ashkenazic Jewry were left to their own devices at a crucial moment in their historical development. Conversely, the mother communities of Sepharad were in regular communication with the communities of Bavel, turning to them with *she'elot* (queries) and receiving *teshuvot* (responsa) in reply, through which were transmitted basic *halakhic* data. Thus, the *siddur tefilah* (order of prayer) of R. Amram comes to us because it was transmitted in a *teshuvah* to the Jews of Barcelona in response to a query that they had posed to Babylonian Jewry with regard to the order of prayer.

The unity of the Sephardic world begins with these transmissions from Babylonia westward to Egypt, North Africa and Spain itself in the eighth through the eleventh centuries. Between the 11th and 15th centuries, the culture of Mediterranean Jewry acquired a particularly Iberian character, and in the 16th century it was taken by the Spanish exiles eastward to the Ottoman empire, which became the nexus of the Sephardic world. Through the Haḥam Bashi (chief rabbi) and other Sephardic *halakhic* authorities located in the Ottoman heartland, a common Sephardic *halakhah* was spread throughout the Ottoman empire, including Babylonia and Yemen, and even beyond to the Jews of India. A

century later, other Sephardim carried it to Amsterdam and northern Europe and, as Marranos, to the New World.

In every case, there were both correspondence and travel by authoritative figures to the regions involved, just as there always had been. After all, four centuries earlier, the Jews of Yemen had turned to Maimonides, the quintessential Sephardic Jew, then living in Egypt, as their authority in both *halakhic* and political matters. At that time, the brisk trade between the Mediterranean world and South Asia, which was principally in the hands of Jews, fostered communication from one end of the Sephardic world to the other.

The spread of the Spanish exiles as people and as authoritative *halakhic* spokesmen continued to knit the Sephardic world into one, even as the geographic scope of that world expanded. Nowhere is this better manifested than in the order of prayer and the customs surrounding the *siddur tefilah*. Let there be no mistake. As in the case of the *halakhah*, the unity of the *siddur* for all Jews is more impressive than are the differences. Still, there are clear discrepancies between the Ashkenazic and Sephardic *siddurim*, especially in those matters which were not set earlier in Babylonia, in the case of the *piyutim* (religious poetry) and the *maḥzor* for the High Holydays. Despite many regional variations, most Sephardim share a common *minhag* (although here the Yemenites must be excluded) into which the regional variations have been integrated. The major differences are to be found in the liturgical music of the various subcommunities of the Sephardic world, although there are none as great as the differences in liturgical music between Ashkenazim and Sephardim.

Another sphere in which, until the Emancipation, the Sephardim maintained a basic unity, was community organization, whether through the influence of the *Haskamot* of Valladolid, the 15th century codification of the communal ordinances of Castilian Jewry, the customary absence of a professional rabbinical class in the Sephardic world, or the Sephardic rejection of a chief rabbinate of the kind imposed on the Ashkenazim by the external Christian authorities. (The latter two were features of Ashkenazic community organization from as early as the 15th century until the end of Jewish autonomy.) This is not the place to explore this dimension of Jewish life and the life of the two worlds into which Jewry has been divided. In general, community organization has been given too little attention as a crucial factor in Jewish history. Fortunately, we are now at the point where a growing number of researchers are diligently studying the organization of individual communities, out of which it is possible to begin to synthesize knowledge and discover patterns of similarities and differences such as the foregoing.

Finally, there is the matter of the common cultural orientation which unites Sephardim and differentiates them from Ashkenazim. This issue will be treated below in some detail.

Assuming the unity of the Jews of the Mediterranean world, Western Asia and their eastern and western diasporas, why refer to them as Sephardim rather than as the now conventional term has it, *edot hamizrah*? I would suggest with all vigor that the latter is a distortion which is based upon false premises, and which has gained currency because it is convenient to the mythology developed by the Ashkenazim in the process of asserting their hegemony within the Jewish world.

In the first place, the term *edah* as used in this context is a sociological invention of our times, a distortion of a classic Jewish term in a very unJewish direction. From the Biblical period onward, *edah* was commonly used to describe the Jewish people in its corporate dimension as a body politic. We Jews have constituted and continue to constitute a single *edah*, in the original sense of an assembly for political and religious purposes. That is the meaning of the term *edah* as introduced in the Torah and that is how the term was used throughout all subsequent generations until our own time. In proper Hebrew usage, *Am Yisrael* (lit. the people of Israel) in its corporate dimension is constituted as *Adat Bnei Yisrael* (lit. the congregation of the sons of Israel).

The original usage emphasizes the consensual dimension of Jewish life. Being Jewish involves both kinship and consent. Jews may be born into their *am* but, in a very real sense, they consent to being part of the *edah* by actively taking part in its business. The sociological usage is just the reverse; it eliminates the consensual dimension to emphasize kinship, and that on the narrowest basis of country or region-of-origin. This has led to the utterly unacceptable English “translation” of the term as “ethnic” as if the Jewish people — a single *ethnos* or people if there ever was one — were divided into different ethnic groups, a straightforward denial of Jewish unity and peoplehood. This usage does the gravest disservice to the Jewish people and should be eliminated by common consent.

As for the term *mizrah*, either it is prejudicial or confusing. Geographically it is quite confusing. Are the Jews of North Africa geographically “easterners” when all of Morocco is located further west than London and most of North Africa is further west than Poland?

Obviously, the term is used in reference to cultural differences. Implicit in that usage is that Sephardim as “easterners” are “oriental” while Ashkenazim are “westerners.” This is a convenient Ashkenazi myth in a situation where to be “western” is to be modern. Since virtually everyone wants to be modern these days, this myth gives the Ashkenazim a significant advantage over the Sephardim.

What are the facts of the matter? Were the Russia, Poland and Rumania from which most of the Ashkenazim came any less “eastern” in culture than the Arab lands? Ask the German Jews about “eastern.” To those of

us who were born and raised in the real west, the answer is a clear No. At the same time, no one would dispute that the Sephardim of the Netherlands, Great Britain and the United States are western. The Ladino-speaking Sephardim of the Balkans and the eastern Mediterranean see themselves as far more “western” than any of the Jews of eastern Europe.

What most strikes settlers in Israel from the English-speaking world is how “western” the vast majority of its population is — Ashkenazim and Sephardim alike. That, indeed, is a cultural designation. This is not to say that a substantial percentage of Ashkenazim did not arrive in Israel already “modern” but so, too, did a substantial number of Sephardim, including highly sophisticated Jews from Iraq and Iran, North Africa and India. If there are any differences between those who did not, they are differences with regard to the timing of modernization, which usually means that many Ashkenazim reached secular schools and acquired indoor plumbing perhaps a generation earlier than did many Sephardim. Even that is not entirely clear, since the Jews of Algeria were emancipated before the Jews of the Russian Empire, not to speak of the Jews of the Balkans or the highly sophisticated and highly cultured Jewish community of Iraq.

Unfortunately, it has been useful for the Ashkenazim to broadcast every shred of evidence which they can muster in support of this myth, to the detriment of Israel and Jewish unity. Thus, the relatively small number of Jews who came to Israel from primitive circumstances were presented as representing all of the Sephardim, particularly in fundraising propaganda directed to the Jews overseas. In the end, the Ashkenazim in Israel, especially the leadership elite who managed to stay away from direct contact with Sephardim except on a patron-client basis, came to believe their own propaganda.

Worse than that, peripheral considerations came to be more important than central ones. Thus, so-called enlightened or “western” Jews could make statements in public that they had nothing in common with their “eastern” brethren who did not know how to use toothbrushes, tables and chairs, and indoor plumbing, and that all they had in common with those “primitive easterners” was their Jewish heritage! Perhaps for secular Jews the latter is a mere nothing, but for those who are committed to that heritage, it is of little moment that one group of Jews may have learned to use toothbrushes a generation later than did some other group, when compared with what is shared in the realms of religion and civilization.

The real difference, then, is not between “eastern” and “western” Jews, but between northerners and southerners. The Ashkenazim are the Jews of the north and include people of both eastern and western culture. The Sephardim are the Jews of the south and include people of both western and eastern culture.

Let me reiterate: “Sephardi” describes the Jewish religio-cultural heritage of the Sephardim — the *halakhic* chain which binds them and the cultural characteristics which make them distinctive, just as “Ashkenazi” does in the case of the Ashkenazim. Both are authentic Jewish terms, rich in historical associations rather than imposed sociological categories. Just as the Ashkenazic world is compounded of many country-of-origin groups, each with its own distinctiveness, so, too, is the Sephardic world; the internal links binding each are precisely their Jewish dimensions. We do wrong to define ourselves in any other terms.

### *Classic and Romantic*

Every civilization has its mix of classic and romantic elements and must have both to be complete. Within Jewish civilization, for 1000 years Sephardic Jewry has been the embodiment of the classic tradition and the Ashkenazic Jewry, the romantic. This is evident in their respective styles, logics and effective fields of focus or concentration. The Jewish people is enriched by its two great religio-cultural streams when both are vitally alive, recognized for what they are, and encouraged to interact.

Abraham Joshua Heschel implicitly recognized this distinction and discussed it in some detail in his classic *The Earth is the Lord's*, a celebration of what he referred to as “the inner world of the Jew in East Europe.” In chapter three of that work, titled “The Two Great Traditions,” he contrasts the Sephardic (particularly the Spaniol) and Ashkenazic (particularly the Hassidic) worldviews and ways over the past millenium, with the intention, needless to say, of showing off the latter to best advantage.

While many aspects of Heschel's highly romanticized effort to distinguish between the expressions of Jewish culture require modification, he captured the essence of the difference between the two worlds and, in doing so, put his finger on the distinction between the classic and romantic approaches to Jewish life.

Classicism emphasizes form, simplicity, proportion and restrained emotion. All of these, with the possible exception of simplicity, Heschel labels as Sephardic; and contrasts them with Ashkenazic attitudes and behavior. Let us look at these elements of classicism one by one.

In the matter of form, Sephardic emphasis on aesthetics, on external appearance, on symmetry, stands out. Sephardim have a word for it, *Kavod*, which every Sephardi learns in Hebrew and in his own regional Jewish language. In Ladino, for example, it is *honor*, a word which carries with it a whole complex of attitudes, values and expectations. In recent times, most Ashkenazim have had to assimilate to (real) western civilization to be able to enjoy such emphases, which were rejected as irrelevant to the intensive pursuit of salvation, religious or other, in Eastern Europe.

The flight of so many Ashkenazic intellectuals from Judaism to modernity, especially to modern esthetics, is a case in point. The literary

works of these assimilated Ashkenazim invariably describe the Jewish environments from which they came as utterly vulgar, unrestrained, overemotional. While grossly exaggerated for effect, the caricatures make a point. The Sephardim have their assimilated intellectuals, too, but what they seem to retain from their environment is precisely a sense of aesthetics and form. Their critiques of their heritage are far milder, emphasizing, if anything, problems of superstition. Indeed, they tend to be respectful of their past, even if they reject it as pre-modern.

The Sephardic emphasis on form, as contrasted with the Ashkenazic emphasis on the inner man, is particularly evident today in their different styles of prayer and ritual observance. Note, please, the integral quality of the Sephardic service with the emphasis on the meaning of the liturgy and the pronunciation of every word in the reading of the Torah and in most of the prayers. Indeed, the structured collective form of the Sephardic prayer service stands in sharp contrast to the emotionally intense and seemingly free-for-all quality of Ashkenazic prayer where self-expression becomes the foremost value. The aesthetics of Divine communion — in form, language, and style — is a central aspect of public prayer for Sephardim.

It should be obvious that the two rituals cannot be merged in practice without one or the other suffering serious loss. This is not a matter of harmonizing texts. It is for this reason that the so-called unified *siddur*, prepared by Rabbi Goren when he was chief chaplain of the Israel Defense Forces, is discriminatory in its thrust, not to mention its aesthetic deficiencies.

This matter of form carries over to every aspect of ritual behavior. The emphasis on aesthetics, on harmonious expression, on *hiddur mizvah*, leads to an aesthetic as well as religious objection to charging through a religious ceremony simply to get it done. For Sephardim, it is even better to do less but to do it well. The current effort among many religious Ashkenazim to seek out ways to do more even if it becomes necessary to cut corners in the doing goes against the Sephardic grain for both reasons.

Simplicity is the second dimension of the classical mode. I would argue that Sephardic thought was an exercise in classic simplicity, particularly as compared to Ashkenazic with its emphasis on *pilpul*. Among Sephardim, simplicity is particularly expressed in their literary and intellectual activity, in the search for clarity of style and expression. It is no accident that the great Hebrew grammarians were Sephardim. The delineation of the rules in a clear way that enabled the enhancement of style, as such, was central to the search for expression on their part. Even the emphasis on codification, a particularly Sephardic phenomenon, is part of this search for simplicity and clarity. To Sephardim, traditional Ashkenazi thought, like Ashkenazi prayer, seems wild and undisciplined, more interested in exacerbating complexity than in ordering it.

Proportion is a third dimension of the classical mode. Heschel com-

ments on how the Sephardim seek proportion in whatever they do. Indeed, he implicitly dismisses this as an emphasis on externals or as a lack of full commitment. In fact, Sephardim are noted for, and pride themselves on, being less fanatic than Ashkenazim in virtually all matters, especially in matters of religion. Sephardim are bewildered by the Ashkenazi pursuit of *humrot*, because they have traditionally sought to balance the requirements of observance with the requirements of living, to achieve a form of religious expression that is balanced and proportionate, that takes into consideration the whole man — not to torture and subordinate him as a basis for religious satisfaction, but to encourage and cultivate the range of human attributes.

By the same token, Sephardim have sought to balance their lives as Jews and as a part of the larger human society, not by compartmentalization but through living in the whole world as Jews. Isolation was not their goal; that would have been a violation of proportion and balance. Rather, they sought to accept involvement with the larger world, including its challenges. It is difficult for Sephardim to understand the isolationist impulse so dominant among Ashkenazim who have not broken away from their heritage, who see the salvation of Judaism in separation from those who do not meet current religious standards, which seem to be always moving to the right. Sephardim see no hope or virtue in such isolation, viewing the result as a warping of Jews and a distortion of Judaism.

Sephardic music in its various forms also reflects this orientation toward balance and proportion. In its classic Iberian form, the links between Sephardic music and western classical music at its most classical — Bach and Beethoven, Handel and Haydn — are clear. But, even in its classic Arabic form, it is balanced and contrapuntal.

The Sephardic way of studying is another reflection of this. The curriculum of Sephardic schools was always broad, combining *limudei kodesh* (study of sacred texts) with *limudei hol* (general studies), open to the arts and sciences, and to disciplines beyond those emphasized by the sacred texts. The mode of study was disciplined, analytic and interpretive. Only in our time, when the Sephardic *yeshivot* have been ashkenazified, has this tradition been lost.

Perhaps most important of all, throughout the centuries and into our own times, Sephardic *halakhic* authorities have been far more responsive to human conditions and needs than their Ashkenazic counterparts, across a wide range of issues from the use of modern technology to the plight of the *agunah*, to the recognition of the Jewishness of groups such as the B'nei Israel of India and the Falashas. Today, the Sephardic liberal approach is beginning to gain some recognition — and adherents — in Ashkenazic *halakhic* circles. Unfortunately, it must do battle with the extremist tendencies in the Ashkenazic approach which have been intensified in our time.



The classic mode seeks to encompass the whole; that, indeed, is part of its concern with form and proportion, both of which address wholes rather than parts. Once aware of what exists in the world, a classical approach must be prepared to cope with every part of it. Greek classicism, which is so notable for its concern with every aspect of the universe, is taken to be the model for the classical tradition for that very reason. Jewish classicism is also concerned with the whole, albeit in a Jewish way and starting from a different first principle. The classic Sephardic interest in the arts and sciences as well as in the study of holy texts, the interest in politics, in commerce on a grand scale, and not only the cultivation of religious observance in the narrow sense are all aspects of this concern for the whole. The tendency of the Ashkenazic way is quite the opposite.

A fourth dimension of the classical mode is restrained emotion. We are all aware that Jews are, in everyday language, an emotional people — in that sense all Jews are “Oriental” or “Mediterranean.” (It is wise to remember that in, the past, northern Europeans looked upon all Jews as Oriental, no matter on what side of the Alps they were found.) Within that context, what can be said of the Sephardic way is that it attempts to restrain Jewish emotionalism through harnessing and channeling it — that is, restraining it within the limits of possibility.

The uninitiated have seen what seem to be emotional outbursts on the part of people from certain of the Sephardic communities under circumstances of stress. Hence, it may seem to be difficult, indeed, to link this dimension with the Sephardic way. But those who pursue the deep structure of a culture will soon discover how well organized those presumed outbursts are, how closely they follow the rules and how confined they are to specific circumstances. That is what is notable about the Sephardic way in this context. It is only with the breakdown of the Sephardic way that these forms of emotional expression become outbursts because they are no longer imbedded in a matrix which restrains them.

To emphasize the dimensions of classicism is not to suggest that romanticism utterly rejects form, simplicity, proportion and restrained emotion. Rather, for the romantic mode they are not significant in and of themselves. At most, they are ancillary tools to achieve other, more desired forms of expression. For romantics, all of the foregoing may be nice, but they should not stand in the way of expressive commitment in the pursuit of the absolute.

As Heschel emphasizes, the Ashkenazic way is shaped by that kind of expressive commitment. When it is tied to the other tendencies of the Ashkenazic way then we have a full expression of the romantic within the Jewish framework on the part of the Ashkenazim, just as we have a full expression of the classical mode within the Jewish framework on the part of the Sephardim. To reiterate: both of these modes are vital for a complete civilization.

Obviously, the suggestion that the Sephardic way represents a classical mode and the Ashkenazic way a romantic one, is not to suggest that all Sephardim live according to the canons of classicism or that all Ashkenazim live according to those of romanticism. We are talking here about modalities as well as modes, about ways of life shared, more or less, by those born or acculturated into them. Indeed, this is a matter of acculturation far more than birth, although the tendency for people to be acculturated into the way of life into which they are born remains as great as ever. As we have seen throughout the history of the Jewish people since the two ways of life were formed, Jews from one are frequently integrated — the Americans would say “galvanized” — into the other. This continues to be the case. Unfortunately, at the present time, the balance is in the direction of turning Sephardim into galvanized Ashkenazim, and to everyone’s loss. But, even so, the other does occur and is to be welcomed.

### *What of the Future?*

The impact of modernism on the Jewish people first necessitated the reconstitution of the Jewish people and now necessitates the reconstruction of both the classical and romantic modes of Jewish expression. While the Ashkenazim have succeeded in reconstructing much of their mode to meet the new circumstances of the Jewish situation or are actively engaged in doing so, their dominating position vis-à-vis the Sephardim has functioned to prevent the latter from doing the same. One assumes that this is not out of any ill will, but, rather, from a lack of understanding, or, more than that, an uncritical commitment to their own ways which keeps them from understanding any other.

This is evident whether we are speaking of Lubavitcher Hasidim trying to transform Moroccan Jews into Yiddish-speaking Habadniks, or of Israel’s Socialist Zionists trying to transform Sephardic *olim* into Russian-style-*haluzim*, or Israel’s state religious schools and Bnei Akiva *yeshivot* forcing Ashkenazic modes of prayer and learning on an overwhelmingly Sephardic student population, as if that were necessary to be properly Jewish. All of these — and many other examples which could be cited — are abhorrent and must be corrected.

Sephardim have their own share of the blame to shoulder. Even those who could do otherwise have been complacent cooperators in their own cultural dissolution, rather than learning from their Ashkenazic brethren the art of rebuilding a heritage after the disruptions of modernization. They must be prepared to undertake that task since no one will do it for them.

In all likelihood we are living in the last generation in which the division between Ashkenazim and Sephardim will play a central role in Jewish life. After a millenium, its time has passed. Nor should that be a mat-

ter of sorrow. In the long span of Jewish history, the various divisions that have come into existence in response to different times have served their purpose and faded out, to be replaced by others.

This particular division was a product of the historical circumstances of Jewish exile, after the Jewish people moved out of the confines of the ancient world, and particularly out of its West Asian base, to relocate principally in Europe and in adjacent African regions. With the shift of the nexus of Jewish settlement away from those areas and the reestablishment of a Jewish state, the situational reasons for the division no longer prevail. Today, the problem is one of managing the transition through whatever new distinctions are emerging. It is central to the management of that transition in the long perspective of Jewish history to assure that the romantic mode of Jewish expression does not suppress the classical, but, rather, that the two flourish side by side to reintegrate in the new era initiated by the restoration of Jewish statehood. This prospect happens to coincide well with the immediate needs for equality of the Sephardic segment of Israel's population in their interaction with the Ashkenazi segment. But it is not merely a call for integration on the basis of equality into a Russian Ashkenazic Israel; it is a call for the creation of a new culture in which Sephardic ways play a major — even decisive — role.

# Abraham and God

JONATHAN MAGONET

JUDAISM RECOGNIZES THAT OUR RELATIONSHIP to God is a highly complex mixture of elements — moral, ethnic, cultural, religious. As the Rabbis expressed it: Everything is in the hands of heaven except the fear of heaven (*Berakhot 33b*). We assume that the relationship with God is there, but we are given the freedom to accept the implications or not. What matters is less what we believe than what we do.

As a student of the Hebrew Bible, I find the reference to Abraham<sup>1</sup> in this context even more problematic. I will explore something of the theme of faith within the biblical narratives about Abraham, but for me that is to approach the Bible back-to-front. From the Jewish point of view we should begin with the text itself and see where it leads us, not decide beforehand what we want to derive from it. For even if we agree that belief plays a central role in the stories of Abraham, then let it emerge from our study, from listening as best we can to the word of God that it contains. So I propose to examine the subject backwards — by first analyzing some aspects of the Abraham narratives in Genesis, then looking at the implications that they have for our relationship to God today.

We know nothing at all about the “historical” Abraham. Archaeological materials may color in something of the background of his life — but these details must be used with caution. The only witness that we have about him as a person is the Hebrew Bible. We do not even know precisely what the Bible itself intends to do when it brings us the story of Abraham or of the other patriarchs. The stories are cast as history, but there is no such thing as “objective history” — for every historian is influenced consciously or unconsciously by many factors in the choice of materials that he includes. Why do we know almost nothing about the first seventy-five years of Abraham’s life or the factors that led up to his call by God? To what social stratum did he belong? What was his relationship to the political powers of his day? Matters that today may interest us as social or cultural historians were considered unimportant for those who brought us the biblical narrative. Their interests were something else for they were writing what is perhaps best called “prophetic history” — history that attempts to read the hand of God into human activities. They made their

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1. At the beginning of the Abraham cycle he is called Abram and his wife is called Sarai. It is in chapter 17 that the crucial change occurs in their names. Its significance will be discussed below.

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own selection of what they considered important from the legends, traditional stories and fragments of earlier records that were at hand. And they presented it in a way that is carefully written, shaped and edited so as best to serve their purposes. What we read, therefore, is not “the true history of Abraham” but an interpretation of a figure who seemed significant for many reasons, but, above all, as the first person to try to mould his life so as to fulfill the will of the One God.

We do not know who the author or authors or composers or editors were. And even the clues that we sometimes think we have unearthed from the texts are ambiguous and possibly misleading. We do not know a great deal about their literary presuppositions or conventions or talents. They were clearly artists of a high order, but we assume that they were not conscious of art as a value in itself; for them, such gifts were subsumed to expressing as best they could the word of God. They wrote in a language of which we have only a small sample in the Hebrew Bible so that we do not know how wide its range of expression might have been. Many things that are puzzling or untranslatable, which we sometimes explain as due to the corruption of the text in its transmission, may merely be reflections of our ignorance of what lay behind them. The fact that we can work so well today with the Bible is both a tribute to the skills of those who composed its various parts and a great wonder.

I have stressed all this because I want to be very careful in what I say about Abraham, his faith and God. The only given we have before us is the Hebrew text. It is there that we must begin. Perhaps the best starting point is an examination of how the Abraham stories are organized. Those who have studied the narratives about him will already know of one particular problem that has concerned Bible scholars. I refer specifically to some strange duplications of the stories. There are two tales about Abraham pretending to a foreign king that his wife is his sister. It is assumed that these are two versions of the same story that have been retained in different traditions. There are also two different stories about Hagar and her son Ishmael when she is forced to leave Abraham’s tents and wander in the desert, there to be saved by an angel. These duplications and similar ones are puzzling, but it is worth taking a few moments to look at where they actually occur within the cycle of Abraham stories.

In Genesis 12, Abraham receives his call, with the Hebrew words “*lekh l’kha*,” literally “go for yourself.” We will examine the importance of these words later, but it is worth noting now that they are also found in chapter 22 of Genesis, the chapter that tells of the “binding of Isaac.” The Rabbis already recognized the link between these two chapters, and they clearly form a sort of bracket around the cycle of narratives.

When Abraham arrives in the promised land, he finds a famine and is forced, therefore, to go down to Egypt. There he claims that his wife Sarai is his sister — the so-called “wife-sister motif.” If, for the moment, we ignore the fact that chapter 21 deals with Ishmael and Hagar, we find

that chapter 20, which precedes it, also tells of the wife-sister theme, but this time when Abraham visits Abimelech, king of Gerar. Thus, these two tales form an inner bracket around the rest of the stories. In chapters 13 and 14 we read about Abraham's nephew, Lot, how he separated from his uncle and went to live in the plain near Sodom. When war erupts in the area among various kings, Lot is kidnapped and saved by Abraham who meets the king of Sodom. If we look at the equivalent place at the other end of the cycle of stories, chapters 18 and 19, we also read about the rescue of Lot from danger, this time with Abraham's bargaining to save the city of Sodom and its subsequent destruction. So these two pairs of chapters also match up in their themes and locations. We are now closing in on the center of the stories. Both chapters 15 and 17 deal with God's discussions with Abraham and the establishment of the *brit*, the covenant, between them. It is made by God's promise in chapter 15, and reciprocated by Abraham's acceptance of circumcision, the sign of the covenant, in chapter 17. The central chapter of the cycle, then, is 16, the story of Sarai's barrenness, the taking of Hagar and the birth of Ishmael. The importance of these events will be examined later.

Diagrammatically, we have the following:

Chapters	
12	The Call. "Lekh l'kha." Blessing promised.
13	Abraham in Egypt. Wife-Sister motif.
14	Lot in danger. Sodom.
15	Covenant.
16	Hagar and Ishmael.
17	Covenant.
18	Lot in danger. Sodom.
19	
20	Abraham in Gerar. Wife-Sister motif.
21	Hagar and Ishmael.
22	The Call. "Lekh l'kha." Blessing confirmed.

The pattern of the chapters is concentric; that is to say, in organizing and editing the materials a sequence has been built up so that the first and last chapters match, as do the second and the penultimate, and so on. The sequence is: the call to do something extraordinary, then an episode where Abraham pretends that his wife is his sister, then something about Lot being in danger and the wicked city of Sodom, then the establishment of the covenant and, at the center, the issue of the child for Abraham, this time Ishmael. The order then reverses to conclude with a second call to go on a journey. Whatever the origin of these individual chapters and their detailed contents, they have clearly been organized in a deliberate sequence to make a particular point or points.

When God first calls Abraham, He says, "*lekh l'kha*," go away from your land, your kinsfolk and your father's house. A moment's thought will make us realize that these instructions are not a matter of geography

— you cannot leave your land without first leaving behind your kinsfolk and without leaving your father's house prior to that. The sequence has to do with increasingly harder emotional decisions — from your land, from the family in which you grew up, your culture and society, to the house of your father, the strongest, most emotional tie that a person has. All of these he is asked to give up to follow a mysterious God. Yet this powerful demand is clearly matched in chapter 22 when Abraham is asked to sacrifice his son. The Rabbis saw this chapter not as the first, but as the tenth of a series of tests that God gave to Abraham, beginning with the leaving behind of his home. If we look carefully at the Hebrew, we find once again that the words "*lekh l'kha*" are here. "Take, please, your son, your only one whom you love, even Isaac, and '*lekh l'kha*,' go for yourself to the land of Moriah and offer him there as a sacrifice." These opening words also build up slowly to an emotional climax with the name Isaac. The Rabbis were sensitive to this and Rashi, the great mediaeval Jewish Bible commentator, recorded their view of these words of God. They saw here a dialogue of which only one part is recorded. God said to Abraham, "Take, please your son," to which Abraham replied, "But I have two sons!" "Your only one!" said God. "But each one is the only son of his mother," said Abraham, perhaps guessing what is coming next. "Whom you love," said God. "But I love both of them," answered Abraham. And so God must finally say the name, "Isaac!", and then Abraham has no reply.

Both chapter 12 and chapter 22 begin in the same way, with similar emotional build-ups and the identical call to "go." The phrase "*lekh l'kha*" occurs nowhere else in the Bible, and the Rabbis were clearly right when they linked these two calls and asked, with that remarkable directness and simplicity that can come only from an intimate knowledge of the text and its implications: "Which was the harder *lekh l'kha*, the first or the last?" Initially, it seems that there can be no argument; surely, to sacrifice a living son was the greater, the most grotesque even, demand. Yet, what must it have meant for Abraham to give up his family, his country, his religion, everything that had given him identity, love and security, in order to go off on such a mad adventure? At the age of seventy-five he must have seemed as foolish and senile as Don Quixote. But to kill his son! Which was the greater *lekh l'kha*, to sacrifice his past or to sacrifice his future?

Is God's demand purely arbitrary? If we read chapter 22 alone, as unfortunately too often we do, then, if we are honest, we must conclude that God is as mad as the Abraham who would obey him. It is worth noting, though it may not help much, that God's first word is not an imperative, but a request: "*kah-na*," "please take." Something is at stake for God, also, in this strange request. What is it all about?

There is one possible answer in the biblical background to the Abraham cycle. God has created the world and seen that it is very good. Yet



Adam, the peak and pride of His creation, asserts his own will against God. Once cast out of Eden, man in the form of Cain becomes the first murderer, and from then on violence seems to be the characteristic of God's thoroughly disturbed creation. In regret, God decides to destroy the world through the flood, but preserves something through one man, Noah, chosen because he has the quality of righteousness (Genesis 6:8-9). It is God's hope that through this quality the world may yet be saved. But it is not to be, for from Noah's descendants come those who build the Tower of Babel, when man again challenges heaven. So it seems that God attempts to refine His experiment still further. Now He will pick only one man (before that man has children) and test and refine him to see if he is the right material on which to base the new mankind. Like Noah, Abraham, too, is righteous and God knows that he will hand on this quality to his children (Genesis 18:19). God will give to him and his descendants one small piece of territory, a part of the earth, a microcosm of the world, on which to create the model of the new humanity and society. So he takes Abraham out of his land and offers him a new land. He takes him out of his family but promises that through him all the families of the earth will be blessed (Genesis 12:3). It is the most particularistic act on God's part to select just this one man, yet His purpose is to achieve the most universalistic hope, blessing for all mankind. What is at stake with the calling and testing of Abraham is no less than the survival and the future of humanity. How does God set about preparing him for this task?

Two main themes are mentioned in God's initial promise which find their expression in the narrative before us. One is the land, the other — a large posterity. In fact, the two are obviously intertwined, for the fulfillment of the hopes about the land depend upon there being children to inherit it. God has promised Abram that his seed will be as many as the dust of the earth (13:16) and, in the context of the first covenant (15:5), that they will be as numerous as the stars of the heavens. Yet Sarai, his wife, is barren and past child-bearing age. In this situation Abraham's faith is clearly put to the test. Does he wait for a child from Sarai, which means going against all the logic of nature and reality, or does he do something himself to secure a child? In the event, it is Sarai herself who makes the suggestion that he take her handmaid, Hagar, as a wife so that Sarai may be "built up" through her, perhaps adopt the child as her own. "Abram listened to the voice of Sarai" (15:2). When we pay careful attention to the Hebrew text we pick up certain phrases that have deeper implications than the simple words seem to mean. Adam is punished by God because he "listened to the voice" of his wife, Eve (Genesis 3:17). Rebekah, when she encourages Jacob to steal the blessing of his brother Esau, twice tells him, "listen to my voice" (Genesis 27:8,13). As a punishment, measure for measure, she must finally send away her beloved son, Jacob, to save his life. What she does not realize when once again she tells him to "listen to her voice" is that she will never see him

again (Genesis 27:43). In these Genesis narratives the phrase seems to be used in situations when someone listens to the voice, and obeys the voice, of someone other than God. It represents those key moments when the central problem of Genesis, the tension between God's plan for the world and man's wish to control his own destiny, comes to the fore. Had Adam not listened to Eve, they would never have left Eden. Had Jacob not listened to Rebecca he would never have suffered twenty years of exile; Isaac gave him the Abrahamic blessing anyway just before he left home. And, in our case, Isaac would have been born anyway without the complications raised by the birth of Ishmael. It is as if God's plan somehow always comes through, despite the detours caused by the actions of man. In our story the appearance of Ishmael is caused by Abram's listening to the voice of Sarai. It is she who will eventually ask Abraham to send away Hagar and the boy after Isaac's birth. When Abraham objects, God tells him that this time, too, he must "listen to her voice" (Genesis 21:12) and let go of the son he loves.

What seems to be happening here is yet another test of Abraham's faith or trust in God. Will he wait for God's fulfillment of His promise or not. In the event, he takes Hagar and, indeed, the son is born, which gives us, in chapter 16, the middle point of our cycle of stories and the false climax. In the very next chapter, in the context of the confirming of the covenant through the rite of circumcision, God spells out His intentions for Sarai, "I will bless her and also give you through her a son" (17:16). Abraham laughs in disbelief and pleads for Ishmael. God, however, is insistent, "But Sarah your wife will bear you a son and you shall call his name Isaac, and I will establish My covenant with him as an eternal covenant to his seed after him" (17:19).

Within this chapter both Abram and Sarai have been given new names by God, and these seem to confirm that a new beginning has been given to them after the false start with Ishmael. But why is it so important that Sarah, and not another wife of Abraham, be the mother of the future generations? Here we must speculate, but perhaps the two chapters on the wife-sister motif have something to tell us. In the first one Abram claims that his wife is his sister, and nothing more is explained about it. In chapter 20, when he is confronted by Abimelekh, king of Gerar, Abraham gives some justification for his deception. "But she really is my sister, the daughter of my father, but not the daughter of my mother" (Genesis 20:12). Sarah is both his wife and his sister. Yet this sort of marriage is expressly condemned in Leviticus (18:19) as one of the forbidden incestuous unions. "The nakedness of your sister, the daughter of your father or the daughter of your mother, whether born in the household or born outside, you shall not uncover their nakedness." It is clear that Abraham's marriage to Sarah goes against this strong taboo and, in normal

circumstances, would be condemned.<sup>2</sup> Perhaps to reinforce this point, within the same cycle we have the story of Lot's incestuous relationship with his two daughters, producing Ammon and Moab who will become separate peoples, excluded from the Israelite family. So again we must ask what was so important in the birth of a son to Sarah that it could go counter to what was later not acceptable in Israelite society? Perhaps the answer lies in part in its very exceptional nature — the rule is broken in this case to show that the normal rule is the opposite. But deeper even than this must lie the working out of God's plan of selecting from this one man and his family the model for future humanity. He began with one man, Adam, and took from his own body a part that was formed into the woman who would be his mate, so that with their union they could become again "one flesh." Similarly, it seems that God insisted that the mother of Abraham's offspring should be as close to him in family ties as possible, even at the risk of breaking the incest taboos. Abraham and Sarah are one flesh, the new Adam and Eve.

The child Isaac is born, the promised heir of the blessing and the covenant. But what of Ishmael? In Genesis 21, he is sent away. As a son of Abraham he, too, must be blessed with offspring and a future as ruler of mighty nations. It is interesting that Abraham is promised that twelve princes will descend from Ishmael (Genesis 17:20), equivalent to the twelve tribes that will descend from Jacob. But the center of the stage belongs to Isaac. With him is fulfilled the promise of Abraham's initial call. After twenty-five years of waiting, after the false attempt to guarantee the promise and the future through Ishmael, at last it has all come true. "Then (the Lord) said: Take please your son, your only one, whom you love, even Isaac, and go for yourself to the land of Moriah and offer him there as a burnt offering upon one of the mountains of which I will tell you" (Genesis 22:2). In a moment, the whole promise and hope fall to the ground — this child, too, must be given back to God. What is at stake here is a final testing of Abraham's trust in God. Once before, Abraham had tried to guarantee the future through Hagar and Ishmael; now, even if God asks the impossible, is he prepared to leave everything in God's hands? The *Akedah*, the "binding of Isaac," is not an arbitrary test, but the final stage in a refining process that begins and ends with the call of "*lekh l'kha*," to go on a journey for God.

The story is no less savage and disturbing for its happy ending. It is a given, a fact, an event that happened, a test that was passed. The angel who speaks to Abraham reports God's satisfaction with the outcome:

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2. It is clear that Genesis 20 offers some justification for Abraham's behavior — she really is his "sister," so he has not lied. Nevertheless, the effect is to reinforce the incest theme. While the condemnation in Leviticus belongs to a quite different strand of Biblical material, it represents what seems the normative view. The case of Amnon and Tamar in 2 Samuel 13:13 seems to be another exceptional case and, possibly, only a *de facto* solution.

By Myself have I sworn, says the Lord, that because you did this thing and did not withhold your son, your only one, that I will surely bless you and greatly increase your seed as the stars of the heavens and as the sand on the shore of the sea, and your seed will inherit the gate of its enemies, and in your seed will all the nations of the earth be blessed, because you listened to My voice (Genesis 22:18).

We hear at the very end that same phrase about “listening to, obeying, the voice” which Sarai used when she suggested that Abram take Hagar. Now Abraham has finally listened to God’s voice. The promise given at Abraham’s first call are repeated and confirmed. Abraham has achieved everything. There remain only a few chapters which tell of Sarah’s death and burial, the securing of a wife for Isaac, and Abraham’s own death, as a sort of epilogue to the key events that have already been recounted. But before we try to draw together the implications of what these chapters tell us about faith, it is worth going back a moment to Mount Moriah.

After three days’ journey, Abraham lifts up his eyes and sees the place afar off. He tells the young men who are with him to stay behind with the donkeys, while he and Isaac continue alone on foot. At the end of the story Abraham will rejoin them for the trip home. Who are these young men and what is their function in the story before us? They are not witnesses to the key event. They stay at the foot of the mountain while Abraham and Isaac make their own lonely journeys. It is as if they represent the world of daily life, a life that continues as normal, while this extraordinary act of faith takes place in private. As Abraham both literally and metaphorically rises higher to a peak of religious experience, on the borderline between ecstasy and madness, the rest of us can only stand back and watch in horror and wonder. In the same way, only Moses can ascend the mountain to confront God at Sinai, speaking for the people, and conveying back to them the word of God. In such moments both Abraham and Moses are unique spiritual figures, going far beyond anything that we are expected to achieve. Never again in the Bible does God make the demand that someone sacrifice his child — and even the wish by people to do so is condemned as an abomination, as perverting the worship of the Lord with practices that belong to the pagan cults round about. It is only in Christianity that the image is taken to its logical conclusion, but there it is God Himself who is seen as making the sacrifice of His own son. It is the great paradox of the Hebrew Bible that in such matters Abraham is *not* a model for the faithful; in fact, if anything, he is the anti-model. What he did once should never be repeated. Because he did it, Israel lives off the merit of his actions and is spared such testing again. Abraham is the witness to God’s activities in the world, and we are the spectators to Abraham’s actions.

We know nothing about Abraham’s inner questioning and doubts. God says “Go!” and we read that he goes — with no hint at the time lag between the command and the fulfillment. It is this seeming total obedi-

ence that is both the mark of Abraham and, in some ways, the most daunting thing about him. He is a flawed human being in other aspects of his life (for example, exploiting the beauty of his wife for his own profit in Egypt), yet, in this matter, we are shown no flaw. So that yet again he becomes not really a model, but the exception — for even the prophets had their crises and questions about their vocation. He seems so sure and certain — and we are not all sure and certain.

Then there is the greater riddle. Why could Abraham question God about Sodom and Gomorrah and yet be silent about Isaac?<sup>3</sup> His silence at that moment is enormously disturbing. We want his doubts, his anger, his despair — not this quiet submission. We see all about us, in all corners of the earth, evidence of the tragedy of life, of suffering, whether inflicted by forces outside our control or by the indifference or deliberate cruelty of our fellowman, of ourselves, and we cry out against them. Where was Abraham at that moment?

For Jews, that sense of bewilderment and anger is multiplied a millionfold when we think of our own immediate past. For us it is sometimes difficult to decide which seems the greatest problem raised by the Holocaust — the silence of man or the silence of God. But we, too, must be warned about the difficulties of all such judgments. There is a passage by the American Jewish theologian, Eliezer Berkowitz, that touches on our problem of judging Abraham from outside of his experience. He writes:

I stand in awe before the memory of the *K'doshim* (the martyrs) who walked into the gas chambers with the words of the confession "Ani Ma'amin" (I believe in the coming of the Messiah) on their lips. How dare I question, if they did not question. I believe because they believed. And I stand in awe before the *K'doshim*, the martyrs, before the memory of the untold suffering of innocent human beings who walked to the gas chambers without faith, because what was imposed upon them was more than man can endure. They could not believe any more — and now I do not know how to believe because I understand so well their disbelief. In fact I find it easier to understand the loss of faith in the "Kz" than the faith preserved and affirmed. . . . The faith is holy; but so are the disbelief and the religious rebellion of the concentration camps holy.

He concludes:

We are not Job and we dare not speak and respond as if we were. We are only Job's brother. We must believe, because our brother Job believed; and we must question, because our brother Job so often could not believe any more. This is not a comfortable situation; but it is our condition in this era after the Holocaust. . . . If there is no answer, it is better to live without it

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3. Professor Gordis has drawn my attention to his excellent refutation of Kierkegaard's interpretation of the *Akedah* in JUDAISM (Fall 1976): 414, and the addendum thereto (Winter 1977): 116. I recognize that this is not a question of the "teleological suspension of the ethical" on the grounds that child sacrifice was prevalent and not an "ethical" problem as such. However, it was not beyond Abraham to plead on behalf of his beloved son Ishmael (Genesis 16:18), so, on purely compassionate grounds, his silence remains a riddle.

than to find peace either in the sham of an insensitive faith or in the humbug of a disbelief that has eaten its fill.

Berkowitz reminds us that our belief or disbelief may be a posture that hides a different problem in our relation with God. For what God seems to demand of man is neither belief nor disbelief but the right actions that would follow if we *did* believe. Abraham's greatness lay in knowing when to argue against God and when to submit in silence, for between them there was mutual trust. This is the meaning of the Hebrew term that we translate as belief — *emunah*. Its root is the word *a-m-n*, something that is firm, reliable. From it comes the word "*emet*," "truth," that which can be relied on. The familiar term *Amen* has the same primary sense; it is the word we say when we wish to give our assent to what has just been stated in the prayer, when we confirm, affirm, what has been said. Man expects to rely on God; God waits for the time when He can rely on man.

Perhaps the gap between Abraham and ourselves is best illustrated by reference to another biblical figure, Moses, and the work of a modern master of the parable, Franz Kafka. In *The Trial*, Kafka writes of the man from the country who comes to visit the Law. He is prevented from entering by the guard who warns him that even if he forces his way in, there is another door awaiting him with a guard who is even fiercer than himself, and beyond him yet another. So the man from the country sits and waits out his life until the door closes. At the last moment he asks why it is that although everyone wishes to gain entrance to the Law, in all the time that he has been sitting there, no one else has come to this door. The guard bends down and tells him that this is the entrance reserved for him alone — and now it is closing! Like all good parables, it bears many interpretations, but a Jewish reader with some knowledge of Midrash, the Rabbinic exegesis of the Bible, will recognize behind it another famous parable. When Moses ascended Mt. Sinai to receive the Ten Commandments, a cloud descended upon the mountain and a large opening, like the entrance to a cave, appeared before him. Moses stepped upon the cloud as if onto solid ground and went off in search of the Torah, the teaching that comes from God. He was met by an angel with a sword in his hand who stopped him, saying that he was the guardian of the Torah and that Moses could not pass. And even should he pass there was beyond him a second door, guarded by a second angel who was fiercer even than himself, and then a third door, guarded by an angel of whom even the first angel was afraid. Without pausing, Moses pushed the angel aside and went on. When the second angel appeared to stop him and Moses was afraid, God Himself intervened and instructed the angel to guide Moses the rest of the way past the remaining guards. The parallel in Kafka is clear, as well as the lesson that Kafka spelled out — that the guards who seem to stand between us and the Law are ultimately there to aid us. It is not they who stand in our way, but our own failures of will and

of courage when confronted with the first hurdle in our search for God. Kafka's man from the country sits and waits, asks innumerable questions, even tries to bribe the guard — everything but push his way in. Using a similar image, A.J. Heschel wrote:

To knock timidly at distant gates of silence, inquiring whether there is a God somewhere, is not the way. We all have the power to discover in the nearest stone or tree, sound or thought, the shelter of His often desecrated goodness.

Or in the words of my own teacher, Rav Shmuel Sperber: "If the Gates of Repentance are closed, what does one do? Break them down!"

Perhaps the best we can do is recognize the distance that separates us from Abraham. Clearly he learned and changed and grew through his experience with God — the comforting God of the promise and the dread God of the many tests. Today we prefer a tamer God, deodorized, sanitized, gift-wrapped like any other commodity from our local religious supermarket, and we run from the implications of His anarchic power. Yet the morning prayer from the Jewish liturgy asks: "give us integrity of heart so that we can both love and fear You." In the words of the late Rabbi Michael Goulston: "Ours is not a crisis of belief but a crisis of action, a loss not of faith but of nerve, not a universe without meaning but creatures with too much time."

It is the great power of Abraham that he knew when to raise his voice against God, to call Him to account, to demand of Him justice for the people of Sodom, the innocent and the guilty — to show His disinterested love for humanity and His deep concern for the honor and righteousness of God. Yet Abraham also knew the moment for silence, humility and submission to the will of God when his own personal possessiveness and pride were put to the test. It is when we think that we *are* Abraham that we become most dangerous, the fanatical murderers of thousands of our children. But it is when we forget that there is an Abraham within each of us that we betray the call that came to him, to step out of the conventional pattern of his life and to become a blessing for all the families of the earth.



# Reconstructionism and Conservative Judaism

SIDNEY H. SCHWARZ

STUDENTS OF AMERICAN JUDAISM NOW RECOGNIZE that we must speak of the four movements comprising our religious community — Orthodoxy, Conservatism, Reform and Reconstructionism. Although much smaller than the other three movements and, undoubtedly, the most recent addition to the ranks, Reconstructionism clearly features all of the components of a religious denomination with a seminary, rabbinical organization and a congregational union.

The ideology of Reconstructionism was distinctive long before it emerged as a separate movement. The question is: when did the ideology shaped by Mordecai Kaplan give birth to a new denomination in American Jewish life. Because Kaplan himself resisted the creation of a new movement for so long there has been confusion about the answer. Yet, an historical look at the Conservative movement, within which Kaplan and the Reconstructionists functioned, shows clearly how the split became inevitable despite Kaplan's desire to bring about greater, not lesser, unity in American Jewish life.

Many events have been pointed to as marking the "beginning" of Reconstructionism. The terms and content of the ideology were first presented by Kaplan in 1920 in an article in the *Menorah Journal* entitled, "A Program for the Reconstruction of Judaism."<sup>1</sup> The first institutional development was the creation, in 1922, of the Society for the Advancement of Judaism (SAJ) after Kaplan's naturalist views proved too heterodox for the Orthodox pulpit that he served, the Jewish Center. In 1934, there appeared Kaplan's magnum opus, *Judaism as a Civilization*, which fully detailed Reconstructionist ideology and a year later he launched the *Reconstructionist* magazine to advance his ideas even further.

No one of these steps, however, was intended as a separatist activity. Through it all Kaplan headed the Teachers Institute, served on the faculty of the Jewish Theological Seminary and considered himself loyal to its cause of creating a "conservative" Judaism for American Jewry. Ironically, most of Kaplan's efforts in those early years were spent giving shape to a new movement which was unsure whether or not to become a

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1. *Menorah Journal*, Vol VI, no. 4 (Aug. 1920): 181-196.

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full-fledged denomination. That movement was Conservative Judaism. Both Solomon Schechter and Cyrus Adler, the first two presidents of the new Jewish Theological Seminary, preferred to see the endeavor which they headed as an effort to strengthen the forces of traditional Judaism in America; they were loathe to create a new movement. Kaplan headed a group of Seminary alumni who favored a more aggressive approach<sup>2</sup> and it was he, more than anyone else, who tried to give shape to the ideology of Conservative Judaism.<sup>3</sup>

At the same time that Kaplan was trying to push the Seminary towards being a "third party" alternative to Orthodoxy and Reform, he was developing his philosophy of Reconstructionism. Interestingly, he did not see these two efforts in conflict with one another. Orthodoxy, Reform and, eventually, Conservatism were religious options for American Jews, whereas Reconstructionism was conceived as being an overarching philosophy of Jewish life which would unite all of the separatist segments under one umbrella. No better illustration can be offered to prove that Kaplan did not see his philosophy as competitive than that he urged the SAJ to ally itself with the Reconstructionist movement in Jewish life while simultaneously maintaining an affiliation with the Conservative group represented by the Seminary, United Synagogue and the Rabbinical Assembly. One was a religious party that offered a particular approach to prayer and ritual while the other was a philosophy of Jewish life that incorporated cultural, secular, and nationalistic elements.<sup>4</sup>

It seems clear, in retrospect, that Reconstructionism could never become the all-encompassing philosophy of American Jewry that Kaplan hoped it would be. Even though the philosophy addressed itself to every dimension of Jewish life, at the core was Kaplan's rejection of supernatural revelation which was the basis of much of traditional Jewish belief. As such, Reconstructionism could never be embraced by the Orthodox community. An article, "Orthodoxy, Reform and Kaplanism," by Leo Jung, Kaplan's successor at the Jewish Center, indicates the notoriety that the latter had achieved. Jung brands Kaplan's philosophy as "God-less nationalism" and rejects it out of hand.<sup>5</sup>

A great disservice is done to Reconstructionism, however, when it is evaluated solely by its failure to capture a universal following in the Jewish community. Kaplan was a utopianist, after all, and, in a piece-meal way, Reconstructionism did make a tremendous impact on the Jewish community. Chapters remain to be written on the influence of Kaplan in

2. See Herman and Mignon Rubenovitz, *The Walking Heart* (Cambridge: Nathaniel Dame & Co., 1967), ch. 14.

3. See, for example, M. Kaplan, "Toward the Formulation of Guiding Principles for the Conservative Movement," in *Tradition and Change*, ed., Mordecai Waxman (N.Y.: Burning Bush Press, 1958), pp. 289-312.

4. M. Kaplan, "Why Reconstructionist?" *SAJ Review*, Vol 7, no. 19 (1/20/29): 2-3.

5. *The Jewish Forum*, Vol IV, no. 3 (April, 1921): 778-83.

Jewish education, social work, community centers, Zionism and community relations.\* However, in the realm of religion, admittedly only one piece of his overall philosophy, he had only a limited following, essentially the more liberal rabbis within the Rabbinical Assembly who saw Reconstructionism as a school of thought within their own movement.

While Kaplan labored in all of the areas mentioned above for no less than a complete transformation of the quality of Jewish life in America, within the religious world most attention focused on what came to be seen as sectarian activity by the Reconstructionists. Liberals in the Rabbinical Assembly had long been dissatisfied with the slowness of change in the Conservative movement. Kaplan offered a model for bolder reform. His introduction of the *bat-mizvah* ceremony in 1927 at the SAJ had already attracted attention. In the 1940s, he began collaborating with colleagues on a new liturgical text that more properly conformed to a religious-humanist outlook. *The New Haggadah*<sup>6</sup> (1942) prompted an attack in the press by the more traditional members of the Seminary faculty — Louis Ginzberg, Alexander Marx and Saul Liberman — who disassociated themselves from heresies in it.<sup>7</sup> *The Sabbath Prayer Book*<sup>8</sup> (1945) evoked an even more celebrated public book burning and excommunication of Kaplan by members of the Orthodox Agudat Harabbanim.<sup>9</sup>

Another Reconstructionist activity that was perceived as sectarian was the publication of “Towards a Guide for Jewish Ritual Usage” in 1941.<sup>10</sup> The Guide was motivated by a frustration with the inability of the Rabbinical Assembly to provide leadership for the kind of changes that liberals felt were called for in modern life. The use of the term “religious folkways,” instead of “*mizvot*,” conveyed the sense that, being rituals developed by Jews instead of being commandments received from God, only those practices that ensured group survival or added meaning to one’s personal life were necessary for retention. The Guide also stressed positive laws, like the reading of Torah, over negative laws, like the prohibition of mixing different kinds of material in clothing (*shatnez*). Not only did the Guide advocate the abandonment of rituals that no longer had meaningful form or content, but it also encouraged the development of new rituals to reflect cultural aspects of Jewish civilization.

These innovations in liturgy and ritual were directly competitive with similar efforts in the Conservative movement. The Rabbinical

\* Modesty does not prevent us from pointing out that these themes constitute a section in the Winter 1981 issue of JUDAISM, which was devoted to “Mordecai M. Kaplan On His Hundredth Year — The Man, His Thought, His Influence (R.G.).

6. M. Kaplan, E. Kohn, I. Eisenstein, eds. (N.Y.: Jewish Reconstructionist Foundation, 1945).

7. *Hadoar*, Vol. 25, no. 39 (10/5/45): 904.

8. M. Kaplan, E. Kohn, I. Eisenstein, M. Steinberg, eds. (N.Y. Jewish Reconstructionist Foundation, 1945).

9. *New York Times*, 6/15/45.

10. *Reconstructionist*, Vol VII, nos. 13, 14, 15, 16 (Oct. - Nov. 1941).

Assembly and United Synagogue produced the *Sabbath and Festival Prayer Book* in 1946, and, though it never materialized, there was much talk about producing a Guide to Ritual to provide guidance on such matters to the Conservative laity. Armed with a more clearly articulated ideology and a more homogeneous, albeit smaller, nucleus of rabbis than the Conservative movement, the Reconstructionists were able to make a notable impact on the shape of American Judaism in the few short years since the Jewish Reconstructionist Foundation was established in 1940. Still, Kaplan denied that these innovations marked the creation of a new movement.

Kaplan believed in unity in diversity. He felt that it would be healthy for many ritual and liturgical options to emerge, all under the aegis of the Conservative movement. In the end, he believed that such differences were insignificant against the background of a larger ideological unity which he detailed.<sup>11</sup> That proposal was never endorsed by the Rabbinical Assembly but Kaplan operated as if it had been. What he did not realize was that, by virtue of his very clearly defined and ideologically consistent innovations, he was setting himself apart from the body of the Conservative movement. At the same time, that movement's potential to effect halakhic change was severely limited because of its coalition nature. The Conservative movement was so broadly based, that its right-wing was disinclined to allow changes that were advocated by the left-wing. Kaplan's association with innovations which he denied were sectarian, but were seen as such, doomed his more universal program of Reconstructionism. Sadly, it was the latter program that Kaplan himself deemed far more significant for the future of Jewish life.

A more subtle, but no less significant division emerged between Reconstructionism and Conservative Judaism in the 1950s. Even with the existence of a Jewish Reconstructionist Foundation and the steady production of published material on Reconstructionism, the ideology that Kaplan had shaped could hardly be called a religious denomination. He continued to see himself as part of the Conservative movement even though some of his followers urged him to make a clean break with it. As if to underscore the commitment to effect change from within, Ira Eisenstein, son-in-law of Kaplan and a leading Reconstructionist, became president of the Rabbinical Assembly in 1953.

What, then, accentuated the differences between Reconstructionists and the rest of the Conservative Jewish circle in the mid-1950s? Essentially, it was the open refusal of Reconstructionists to abide by the one principle that the entire Conservative movement held to be inviolable — halakhah. From its inception, the Seminary, and then the Rabbinical Assembly, claimed legitimacy as heirs of traditional Judaism by virtue of

11. M. Kaplan, "Unity in Diversity in the Conservative Movement," in *Tradition and Change*, pp. 211-228.

their adherence to halakhah. Of course, Conservatism, following the scholarship of the *Wissenschaft des Judentums* school, did claim that halakhah was an historically evolving set of laws with inherent capacity to change in our own time. Thus, the Rabbinical Assembly assumed responsibility for the ongoing interpretation of halakhah under the aegis of its Committee on Law and Standards. Even though Orthodox authorities would challenge most of Conservatism's liberal interpretations, the claim of being halakhic was the unifying myth that held together the broad Conservative coalition.<sup>12</sup> Any assault on this halakhic myth could not be taken lightly.

Already in 1948, Mordecai Kaplan underscored the problem of basing Jewish life on halakhah. In his *The Future of the American Jews*, he asserted that Jewish law was able to function only as long as the community had some coercive, juridical authority over the individual Jew. Since the modern period had witnessed a vanishing of the Jewish organic community, Jewish law no longer had any meaning.<sup>13</sup> Even this statement, however, was qualified by being couched in the form of historical analysis. Additionally, Kaplan held out the hope for a reconstituted Jewish community, which could regain the right to legislate for Jews if it were constituted democratically.

A more frontal assault on the Conservative halakhic myth was made by the Reconstructionists in 1958. During that year's Rabbinical Assembly convention, a panel was put together representing the right, center and left wings of the movement to discuss its theory of halakhah. Isaac Klein, representing the right-wing, argued against making rapid adjustments to the environment based on convenience. People should adapt to the law, he said, not the other way around. Not only did Klein assert the centrality of halakhah to Jewish life, but he also announced his belief that the Torah was from heaven and, thus, divine. What differentiated Klein's attitude from Orthodoxy was his admission that, following the historical evolution of Jewish law, rabbis could make conscious changes in halakhah.<sup>14</sup>

Jacob Agus, representing the centrists, could not subscribe to any belief in the literal revelation of Torah but neither could he find himself in agreement with the tendency of Reconstructionists to reduce the concept of *mizvot* to folkways. Even though he could not justify the concept of sin because he did not believe that the Torah was eternally binding, Agus did see the positive commandments as providing a ladder upon which a Jew could ascend to even higher levels of piety.<sup>15</sup>

12. For a fuller development of this thesis see my "Conservative Judaism in America," 1984 *American Jewish Yearbook*.

13. M. Kaplan, *The Future of the American Jews* (N.Y.: Reconstructionist Press, 1948, 1967), pp. 387-391.

14. I. Klein, "An Attitude to Halacha," *Proceedings of the Rabbinical Assembly*, 1958, pp. 102-107.

15. Jacob Agus, "Evaluating Jewish Law," *Ibid.*, pp. 81-89.

The left-wing response, which came from a clearly Reconstructionist perspective, was offered by Jack Cohen, who served as the rabbi of Kaplan's Society for the Advancement of Judaism in Manhattan and his views could not have stood in starker contrast to Klein's. Cohen tried to pierce through the Rabbinical Assembly's obsession with halakhah. He saw the term as a symbol which hid the true problems and differences within the movement. None of the traditional assumptions or functions of halakhah operated any longer and, therefore, he said, instead of being slaves to nostalgia or "semantic sophistry," let us allow halakhah to die and move on to a more realistic and effective means of maintaining Judaism in a democratic society. Cohen indicated that, for the most part, Conservative Judaism did not accept the belief in a revealed law, did not see halakhah as embracing civil law, and did not have a laity that accepted it as binding. It had long since ceased to function as it was originally intended to though the Conservative elite was unwilling to sanction any abandonment of tradition. Cohen preferred to speak of "educative ritual," informed by halakhah, that would be better suited for the democratic and pluralistic setting Jews found themselves in. He argued against the Rabbinical Assembly as being a type of ecclesiastical authority that decided for Jews what was or was not permissible. He wanted the laity to be able to participate voluntarily in a process of choosing those aspects of traditional observance that provided them with a heightened sense of piety and gave shape to their values. The Reconstructionist stress on peoplehood led him to declare that halakhah was not an end in itself, "law is made for man and not man for law."<sup>16</sup>

Although the Rabbinical Assembly had previously heard theoretical discussions on halakhah in which the differences among the three wings were obvious, by 1958 what had been crevices in the Conservative coalition were already rifts. Much of this had to do with the fact that there was a ten year record of the Committee on Jewish Law and Standards (CJLS) which could be reviewed. Before 1948, the left wing tended to feel that inaction on law was attributable to the organizational weakness of the Rabbinical Assembly and the overpowering influence of the Seminary. But ten years of relatively unrestrained activity by the CJLS still did not satisfy the left wing. Of course, everyone had a bone to pick with the CJLS. The right wing felt that the decisions were too liberal; the centrists had hoped that some overarching philosophy or set of rationales could be provided to give the fragmented decisions some sense of cogency; while the left wing was having difficulty accepting the entire halakhic universe of discourse. In his speech, Jack Cohen had signalled the Reconstructionists' rejection of the Conservative halakhic myth.

Isaac Klein himself seemed to recognize this in the discussion that followed the presentation of papers at the 1958 convention. He claimed

16. Jack Cohen, "Halacha and the Life of Holiness," *Ibid.*, pp. 90-101.

that he and Cohen no longer shared a common platform. Whereas Klein continued to feel that halakhah was the primary source of authority for Jews and Judaism, Cohen claimed that "life has irretrievably destroyed the halakhah as law . . . we have entered a new era in Jewish history."<sup>17</sup> What had changed was that it was no longer a matter of a conservative versus a liberal position on halakhic interpretation that separated the Reconstructionists from the body of the Conservative coalition. Agus also advocated liberal positions on halakhah. The new departure was Cohen's refusal to use the language of halakhah which had long provided the mythic common ground for Conservatism's broad coalition.

Cohen declared that it was sheer pretense to take the love for Jewish tradition and the desire to preserve and enhance it, which all Conservative rabbis shared, and label it halakhic. Halakhah was merely a symbol at this point and bore no relation to what our ancestors meant by the term. Thus, Cohen advocated abandoning the term, behind which so many ideological differences were hidden.<sup>18</sup> Ben Zion Bokser, rabbi of the Forest Hills Jewish Center and a centrist, was perhaps the most perceptive in realizing what was transpiring. In the same 1958 discussion he pleaded for an understanding of the verbal symbols that served to maintain unity within the movement. By abandoning a symbol instead of reinterpreting it, he said, "an illusion of divergence is created that widens evermore under heated exchange."<sup>19</sup>

Such a theoretical discussion is easy to overlook in trying to understand the origin of a new religious movement. Particularly in the field of American Judaism, the tendency to downplay ideology and look for the establishment of institutions as markers of new groups is great. Yet, Reconstructionism, from its onset has been an ideological movement and the explicitness of Cohen's argument in rejecting the language and symbolism of halakhah marked a turning point in the relationship of the Reconstructionist group with its Conservative parent body. Up until this 1958 discussion, the Reconstructionists could be seen as providing a more liberal interpretation to issues under consideration by the Rabbinical Assembly as a whole. After that point the ground rules of the discussion changed because Cohen had made it clear that, to Reconstructionists, halakhah was no longer a serviceable rubric under which to discuss the guidance of Jewish life. Given the Conservative dedication to just that rubric, Cohen's remarks assured a split in the ranks which was soon manifested in the emergence of a new set of institutions.

In the transformation of Reconstructionism from a school of thought to a religious movement, a number of changes have taken place. If Kaplan's efforts were balanced between a universal impulse which pro-

17. Ibid, p. 95.

18. Ibid, p. 92.

19. "Discussion," Ibid, p. 108, 114.



duced an overarching philosophy, and a sectarian impulse which created a unique set of ritual and liturgical guidelines, Reconstructionism today is associated almost wholly with the latter. The opening of the Reconstructionist Rabbinical College in Philadelphia in 1968 was a response to the long expressed desire of Reconstructionists to implement some of the ideas whereby, previously, they had reacted to the other movements in American Jewish life. Such implementation could not happen as long as they relied on institutions which they could not control to train their rabbis.<sup>20</sup> The establishment of a Reconstructionist Seminary and, subsequently, a Rabbinical Association, thus became the institutional expressions of the new movement.

A good number of rabbis who had been disciples of Mordecai Kaplan and who called themselves Reconstructionists refused to support the sectarian institutions of the emerging movement, since their primary loyalties were to Conservative and Reform institutions. The creation of a parallel organization forced many to choose sides, a decision that had been unnecessary in the days when Reconstructionism existed only as a school of thought. When a Reconstructionist Fellowship of Congregations was originally formed in 1955, every affiliated group was required to maintain a membership in one of the other existing congregational unions,<sup>21</sup> but once a seminary was launched, financial support became more crucial and the Reconstructionist movement was less inclined to share its affiliates' loyalty and resources with other movements. For the same reasons, the new movement sought to underscore its uniqueness vis-à-vis other movements as an argument for affiliation.

It was perhaps inevitable that the universal aspect of Reconstructionism's program would be downplayed as it grew to be a fourth denomination in American Jewish life. Kaplan may have foreseen that development himself, and perhaps that helps to explain why, for some years, he restrained his followers from launching a new seminary. His acquiescence came as a result of a buildup of frustrations with developments at the Jewish Theological Seminary and a recognition that the promise of Reconstructionism could be realized only if it were allowed to develop freely.

Neither Kaplan nor Ira Eisenstein, the founding President of the Reconstructionist Rabbinical College, ever gave up on the hope to bring about greater strength, unity and vitality in Jewish life in America. Only time will tell whether that goal of Reconstructionism will be furthered by its emergence as yet another movement in American Judaism.

20. "The Reconstructionist Rabbinical College is Dedicated," *Reconstructionist*, Vol. 34, no. 13 (Nov. 8, 1968): 28-31.

21. "A Step Forward for Reconstructionism," *Reconstructionist*, Vol. 21, no. 9 (June 10, 1955): 3-4.

# *Miriam's Song: A Modern Midrashic Reading*

NORMAN J. COHEN

LIKE THE RABBIS OF OLD, WE LEARN ABOUT ourselves as Jews and as human beings by allowing the sacred stories of our tradition to become part of the fabric of our own souls. No less than Rabbi Akiba, Rabbi Meir, Rabbi Yohanan and the other rabbinic luminaries who, by immersing themselves in Torah found answers for their life-situations, we have the ability to make the Bible come alive for us and be a determining factor in how we live.

However, in order for the Bible to become part of our beings, we have to be willing to spend much time with it. We have to live with the text, attending closely to every element: its words, syntax, symbols, and problems, in addition to obvious gaps and silences. We must not be afraid to raise all the inherent textual, theological and especially humanistic questions in any given narrative as well as to fill in the reactions, thoughts, and feelings of its characters when they are lacking. By seeing biblical personages as human beings situated at crossroads in their lives, we can not only better identify with them, but also learn from them.

In this light, it is interesting to go beyond the confines of particular narrative structures and attempt to trace the spiritual journey of individual characters. To do so demands that we locate all the relevant biblical material and, perhaps with the help of some rabbinic interpretation, weave these threads into fabrics that can warm and sustain us. This is especially difficult with most female characters whose portraits are often quite truncated. Since both the Bible and the rabbinic tradition were shaped with a clear androcentric focus,<sup>1</sup> we are left with only small shreds of information even about many of the famous and important female personalities. If, however, we believe that the principle of egalitarianism is crucial, then it is incumbent upon us to attempt to piece together the isolated notes "sung" by the women in the Bible, thereby recreating their lost "songs." In a time when Jewish women are searching for their own authentic songs to sing, we can provide them, as well as ourselves, with models to shape our lives and determine our priorities. And even in com-

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1. For an example of how one can begin to reread the Bible without the blinders of Israelite society, see Phyllis Trible, "Depatriarchalizing in Biblical Interpretation," *JAAAR* 41 (1973): 30-48.

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parison with the four matriarchs, no female biblical character possesses a song which has the power and the beauty of that of Miriam.

### *I. Miriam, the Midwife*

On first glance, the Bible seems curiously silent about the character and life of the sister of Moses and Aaron. Very few passages mention her and those that do are highly ambiguous. Although Miriam is clearly regarded as part of the triumvirate of leadership in the desert which was responsible for guiding the Jewish people to the Promised Land,<sup>2</sup> the biblical writers tell us very little about her and her role. We don't even know her exact age relative to her two more illustrious brothers,<sup>3</sup> though rabbinic tradition holds that she was five years old (and Aaron was three) when Moses was born.<sup>4</sup>

It was Moses' birth following Pharaoh's decree to kill all male Israelite children that occasioned the first reference to Miriam. After Moses' mother, Yocheved, had placed him in a basket in the waters of the Nile, the text in Exodus 2 goes on to say that "his sister stood afar off to know what would be done to him" (v. 4). When the daughter of Pharaoh came down to bathe in the river and saw the Hebrew child in the basket by the river's edge, Miriam said to her: "Shall I go and call for you a nurse of the Hebrew women, that she may nurse the child for you?" (v. 7). Pharaoh's daughter agreed and Miriam went and called Yocheved (v. 8).

It is interesting that even though she was clearly responsible for saving Moses' life by arranging for their mother to nurse him, nevertheless, Miriam is not mentioned here by name. By simply identifying her as "his sister," the biblical writer seems consciously to attempt to play down the importance of her role and, by so doing, to keep the focus upon Moses.<sup>5</sup> Although the Rabbis occasionally also minimize her importance in this narrative,<sup>6</sup> the thrust of the tradition underscores what is already obvious in the biblical text itself: if Miriam had not been present, Moses would have been lost to his people. Her behavior is all the more laudatory given the fact that Miriam was just a young child at the time and a member of a

2. Note Micah 6:4 as well as rabbinic statements emphasizing Miriam's leadership role in the desert which are found in such works as *Bereshit Rabbah* 88:5, *Midrash Mishlei* 14:1, *Yalqut Shim'oni* 1:763 and *Midrash 'al Petirat Aharon* in J. D. Eisenstein's *Ozar Midrashim* (New York, 1915), vol. 1, p. 12. It is also interesting that, in some biblical references to the desert leadership, Miriam is not even included, e.g., 1 Samuel 12:8 and Psalm 77:21.

3. Exodus 7:7 states that Aaron was three years older than Moses, but no mention is made of their sister.

4. Note, for example, *Shemot Rabbah* 1:13. If, indeed, she was their older sister, it is ironic that she is mentioned after Aaron and Moses on some genealogical lists (e.g., 1 Chronicles 5:29) while elsewhere she is not mentioned at all (e.g., Exodus 6:20).

5. In other passages in the Bible, Miriam is also identified as the "sister of Moses and/or Aaron," e.g., Numbers 26:59.

6. See, in this regard, the early tradition found in Josephus' *Antiquities* 11, 9, 5 (Cambridge: Loeb Classical Library, reprinted 1967), vol. 4, p. 261.

slave nation at that. One can hardly imagine how difficult it must have been for her to summon up enough strength and courage to confront the princess of Egypt and dare suggest that she call a Hebrew midwife to nurse her brother!<sup>7</sup>

The role that Miriam played is surely better characterized as “mother” or even “midwife,” than as sister: she waited patiently by the shores of the Nile in order to protect the child and she insured his safety by intervening on his behalf. Symbolically, Miriam births Moses by drawing him out of the water and bringing him to life.<sup>8</sup> It is interesting in this regard that the Rabbis identify Miriam as one of the Hebrew midwives mentioned in the previous chapter in Exodus. According to the tradition, Miriam was Puah<sup>9</sup> and, along with her mother, Yocheved (Shifrah), openly rebelled against Pharaoh and saved the lives of the Israelite male children who, the Egyptian king decreed, were to be killed.<sup>10</sup> More than being pictured as an advocate for life, Miriam is a symbol of Israel's redemption from Egypt and our ultimate salvation.<sup>11</sup>

Miriam's importance as a redemptional model is highlighted by her association with water from the moment of her appearance in the biblical narrative. In rabbinic tradition, as in most of the surrounding cultures, water is seen as a salvific symbol; yet, it is also regarded as having the potential of bringing death.<sup>12</sup> In our text, the waters of the Nile caused

7. For an artful description of Miriam's courage, see Mary C. Schwartz, “The Invisible Women of Passover,” *Moment* 6 (1981): 101-102.

8. Sigmund Freud, in his *Moses and Monotheism*, trans. by Katherine Jones (New York, 1939), p. 9, treats Moses' placement in the basket and his subsequent saving from the waters of the Nile as a symbolic representation of birth. According to him, the basket was the womb and the River Nile was the birth canal whence Moses was rescued.

9. As is the Rabbis' custom, they identify very minor figures mentioned infrequently in the Bible with better known personalities. Since Miriam's intervention on Moses' behalf follows immediately upon the story of the midwives (Exodus 1), the Rabbis associate the two. See, for example, B. T. *Sotah* 11b.

10. Cf. *Shemot Rabbah* 1:13 and *Kohelet Rabbah* 7:1. However, not only did she stand up against Pharaoh, but, according to the Midrash, she even publicly reprimanded her father, Amram, and, with him, the other Israelite men who, in order to avoid the deaths of any male child born to an Israelite couple, had divorced their wives. Miriam demanded that he take back Yocheved and fulfill his conjugal obligations to her, thereby insuring the continued survival of her people. See, in this regard, B. T. *Sotah* 12a; *Pesiqta Rabbati* 43:4; *Shemot Rabbah* 1:13; *Bamidbar Rabbah* 13:20 and *Yalqut Shim'oni* 1:64.

11. Miriam is portrayed as an “advocate for life” in David Greenberg's unpublished rabbinic thesis, *The Rabbinic Portrayal of Miriam* (H.U.C.–J.I.R., New York, 1978), p. 20. However, for stress on the decisive role played by Miriam and her sisters in the deliverance from Egypt, see P. Tribble, “Depatriarchalizing,” p. 34 and James Ackerman, “The Literary Context of Moses' Birth Story [Exodus 1-2],” in *Literary Interpretations of Biblical Narratives*, eds. K. Gros Louis, J. Ackerman and T. S. Warshaw (Nashville, 1974), vol. 1, p. 95.

12. As an illustration, observe how in *M. Avot* 1:11 the Rabbis have juxtaposed the images of “the bitter waters” and of death, and, by implication, urge their disciples to drink of “the living waters,” i.e., the Torah. The dialectic nature of the symbolism of water in rabbinic literature is beautifully demonstrated in an unpublished rabbinic thesis by Patricia Karlin entitled

death amongst the Egyptians during the Ten Plagues (Exodus 7:20-25), but, because of Miriam's courageous acts, they were life-giving waters for Moses and the Jewish people.

## II. *Miriam Sings God's Song at the Sea*

Miriam's association with water and the redemptional role that she played is most evident when the Israelites crossed the Red Sea, *Yam Suf*. Signalling an end (*sof*) to four hundred years of oppression and the beginning (*saf* means threshold) of freedom as a people, Miriam, like her brother, Moses,<sup>13</sup> sang of God's power of redemption as the entire nation passed through the salvific waters:

Miriam, the prophet, the sister of Aaron, took a timbrel in her hand and all the women went out after her with timbrels and with dances. And Miriam sang (*ta'an*) unto them: "Sing ye to the Lord, for He is highly exalted; the horse and his rider has He thrown into the Sea" (Exodus 15:20-21).

After hearing the opening words of Miriam's song — "Sing ye to the Lord" (*Shiru l'Adonai*), anyone familiar with the Bible immediately wants to add the words "*shir hadash*," a new song (Isaiah 42:10). In this way, the redemptive, messianic quality of the song is emphasized.<sup>14</sup> It is noteworthy that the word *shir* (song) is very similar to the root *shur*, which means "glimpse" or "gaze" and which, in itself, implies a kind of glance into the future.<sup>15</sup> It is as if the text were saying that Miriam not only was a leader who celebrated the Exodus from Egypt with her people, but, by sharing her song with us, she provided us with a model of redemption for the future.

The question, of course, is how is Miriam's (the women's) song of redemption different from that of Moses and the men? Though the Bible at this point really does not provide us with an answer, it does state that, unlike the men, Miriam and her sisters used timbrels and danced in the waters of the Sea. But where did they get the musical instruments in the desert? One can almost picture that, as the people hurriedly gathered their possessions and fled Egypt in the middle of the night, Miriam called back to the other women, saying: "Hannah, Sarah, don't forget the drums . . . we'll need them to celebrate our freedom." As a matter of fact, the

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*Water as a Symbol of Healing and Redemption in Midrashic Literature* (H.U.C.-J.I.R., New York, 1982).

13. The Midrash stresses the fact that Miriam and Moses play very similar roles at the Sea. See, as an illustration, *Pirquei de-Rabbi Eliezer*, Chapter 42.

14. Just as Moses led the men in a song with futuristic implications — '*Az yashir Moshe u'venei Yisra'el*, then Moses and the children of Israel will sing (Exodus 15:1), so, too, Miriam uttered a song of ultimate redemption to which all the women responded. Note, in this regard, how the Rabbis play on the unexpected word *ta'an* (she sang), taking it to mean that Miriam was the source of the song and the women responded to her. See *Midrash Lekah Tov* to Exodus 15:20.

15. E.g., *Song of Songs* 4:8.

Midrash, in interpreting this passage, emphasizes that the righteous are always prepared for the moment of redemption.<sup>16</sup> Perhaps it is this sense of personal preparation which is the lesson that Miriam can best teach us.

Though the Torah tells us that Miriam led the women in song and dance, it is inconceivable that she is called a prophet (v. 20) on this account. It is true that the role of ecstatic prophet is well-attested in the Bible.<sup>17</sup> Nevertheless, there is no way to substantiate such a notion in this passage, and the tradition clearly views Miriam as one who actually possessed a prophetic message. In several places, the Rabbis even articulate Miriam's prophecy, portraying her as an "Elijah-figure" who announced the birth of Moses, the redeemer, and described how he would miraculously save their people by turning the bitter waters into waters of life.<sup>18</sup> But it was not sufficient for Miriam to predict the birth of the redeemer. The Rabbis stressed that she had to insure the outcome of her prophecy by standing on the shore of the Nile in order to guarantee Moses' survival.<sup>19</sup>

The notion that Miriam actually prophesied the birth of Moses is based on the fact that in Exodus 15:20, when she is referred to as "the prophet," she ironically is identified as Aaron's sister. Precisely at the most important moment of Moses' career, when he led the nation through the Red Sea, Miriam is not associated with him, but, rather, with his brother. And it is for this reason that the Rabbis argue that Miriam's prophecy occurred when she was only the sister of Aaron, Moses not yet having been born.<sup>20</sup>

However, the association of Miriam with Aaron makes sense. From one perspective, at the high point of Moses' leadership, it is only natural that his two older siblings, who seem to be of lesser importance, would share a mixture of feelings — jealousy, rivalry and pride. Both probably basked in his glory and both probably were, to an extent, resentful of the success of their younger brother, who perhaps was not as talented as they. Yet it seems that the closeness between Miriam and Aaron went even further. Not only is their deep devotion to one another evident when Miriam is stricken with leprosy and Aaron pleads her case to Moses and persuades him to pray on her behalf (Numbers 12:10-13),<sup>21</sup> but the role that

16. For example, the *Mekhillta de-Rabbi Ishmael*, *Massekhta de-Shirta*, *parashah* 10; *Mekhillta de-Rabbi Shimon* to Exodus 15:20; *Pirquei de-Rabbi Eliezer*, chapter 42 and *Midrash Lekah Tov* to Exodus 15:20.

17. As an illustration, note the description in 1 Samuel 10:5.

18. See, especially the *Chronicles of Yerahmeel*, 42:8, but also the *Mekhillta de-Rabbi Ishmael*, *Massekhta de-Shirta*, *parashah* 10; *Mekhillta de-Rabbi Shimon* to Exodus 15:20; B. T. *Sotah* 12b-13a; *Megillah* 14a; *Midrash Mishlei* 14:12; *Shemot Rabbah* 1:22; *Bamidbar Rabbah* 13:20; *Midrash Lekah Tov* to Exodus 2:4 and *Midrash ha-Gadol* to Exodus 15:20.

19. *Shemot Rabbah* 1:22.

20. See, for example, B. T. *Sotah* 12b; *Shemot Rabbah* 1:22; *Bamidbar Rabbah* 13:20 and *Midrash Lekah Tov* to Exodus 15:20.

21. See the *Mekhillta de-Rabbi Ishmael*, *Massekhta de-Beshallah*, *parashah* 10; *Mekhillta de-Rabbi*

they play seems to be quite similar. Both are singers of “the song of redemption” — Miriam at the Sea and Aaron as a Levite within the cult — and both utter the word of the living God, in contrast to their brother, Moses, who is a man of action. Characteristically, he uses the rod, an extension of his own power, in Pharaoh’s court, at the shores of the Red Sea and in the desert as a means of saving the people of Israel.

### III. *Miriam and the Cushite Woman*

The connection between Miriam and Aaron is most obvious in Numbers 12,<sup>22</sup> which is a highly problematic text:

And Miriam and Aaron spoke against Moses because of the Cushite woman which he married, for he had married a Cushite woman. And they said: “Has the Lord indeed spoken only with Moses? Has He not also spoken with us?” . . . And the anger of the Lord was kindled against *them* and He departed. And when the cloud was removed from over the Tent, behold, Miriam was leprous, as white as snow . . . And Aaron said to Moses: “Oh, my Lord, lay not, I pray you, sin upon *us*, for *we* have sinned . . .” And the Lord said to Moses: “. . . Let her be shut up outside the camp for seven days and after that she shall be brought in again” (vv. 1-14).

The most obvious problem is the identification of the Cushite or Ethiopian woman. Though according to one legend Moses actually married an Ethiopian princess,<sup>23</sup> most sources take the text less literally. The thrust of the tradition understands the term “Cushite” to be descriptive, maintaining that the woman spoken of was none other than Zipporah, Moses’ Midianite wife. Whether the assumption was that Zipporah was dark-skinned like an Ethiopian, based upon Habakkuk 3:7 which implies that there were Cushites living in Midian, or that she was a woman of extraordinary beauty and/or character, as seen from the usage of the term in a number of biblical texts,<sup>24</sup> passage after passage in the Midrash

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Shimon to Exodus 15:20 and *Bereshit Rabbah* 80:10 in this regard. In addition, note Abravanel’s comment in his *Perush ha-Torah le-Sefer Bamidbar* (Warsaw 1863) on Numbers 12:12 (“Let him/her not be, I pray, as one who is dead”), which he takes as referring to Moses. It was as if Aaron were saying to him: “Moses, this is not the time to be passive and to do nothing!”

22. It is interesting to note that the Torah makes no mention of Miriam from the crossing of the Red Sea until the incident in Numbers 12, which occurred near the end of the forty years in the desert.

23. For an analysis of this story and the tracing of its development, starting with Josephus’ *Antiquities*, see Avigdor Shinan, “Moses and the Ethiopian Woman: Sources of a Story in the Chronicles of Moses,” *Scripta Hierosolymitana* 27 (1978): 66-78.

24. For example, Psalm 7:1, Amos 9:2 and Jeremiah 38:11. Based upon these passages, the Rabbis argue that Zipporah was more beautiful than any other woman (e.g., *Sifrei Bamidbar*, *pisqa* 99) and that she was distinguished by her righteous deeds, just as a Cushite is distinguished by her dark skin (e.g., B. T. *Mo’ed Katan* 16b). For an extensive analysis of the term “cushite” and its meaning in our passage, see William Braude, “Blacks in Jewish Religious Thought and Experience,” *CCAR Journal* 22 (1975): 7-12 and Robert Gordis, *The Root and the Branch: Judaism and the Free Society* (Chicago, 1962), esp. pp. 122-123.



emphasizes that Miriam and Aaron were concerned about Moses' relationship with his wife, Zipporah.

It is also difficult to understand why only Miriam was stricken with leprosy when, according to the account in Numbers 12, both she and Aaron sinned and God became angry at both of them.<sup>25</sup> However, if we read the opening words (*va-tidabber Miriam ve-Aharon*) closely, we notice that the verbal form (*va-tidabber*) is a 3fs future with a *vav* consecutive, which means "and she spoke." Translating literally then, the text would read: "And Miriam spoke, and Aaron, against Moses . . ." The implication is clear: Miriam was the only one who spoke out, while her brother's complicity merely involved listening to his sister and being sympathetic.

It is precisely at this point that we encounter the greatest difficulty with the passage. After being told that Miriam spoke to Aaron about Moses' relationship with Zipporah, the text does not proceed to detail what she actually said to him. Rather, the ensuing verses state that Miriam as well as Aaron challenged Moses' authority, claiming that they also had received revelation. Though the passage seems either to be a conflation of two different literary strands or suffers from a major lacuna,<sup>26</sup> the Rabbis rightfully attempted to understand the story as it is preserved for us. In so doing, Miriam is portrayed both as Zipporah's protagonist and as one who is concerned about the observance of the commandments and Jewish survival. The Rabbis stressed that Miriam reprimanded Moses because, from the first moment of revelation, he had neglected his conjugal obligations.<sup>27</sup> Miriam not only knew the importance of the marital relationship and was sensitive to her sister-in-law, but, more significantly, she realized that, if the nation were to survive, it had to continue to grow. Moses, as a leader of the people, had to be a model of the observance of the commandment concerning procreation.

And since Miriam's intentions in criticizing Moses were clearly constructive, even though she was punished because she spoke behind his

25. Miriam is also singled out in Deuteronomy 24:9.

26. See the comments of Martin Noth in his translation of *Numbers* (Old Testament Library: [Phila., 1965]), p. 93.

27. See *Sifrei Bamidbar*, *pisqa* 99 as well as parallels in *Midrash Tannaim* to Deuteronomy 24:9; *Midrash Tanhuma ha-Nidpas*, *Mezorah* #2; *Midrash Tanhuma Buber*, *Mezorah* #6; *Avot de-Rabbi Natan A*, Chapter 9; *Yalqut Shim'oni* 1:558, 737 and 2:234, and *Midrash Hashkem* to Numbers 12:1 in Eisenstein's *Ozar Midrashim*, vol. 1, p. 143. These sources include different versions as to how Miriam knew that Moses had not cohabited with his wife. According to one, Miriam noticed that Zipporah took no care at all for her personal appearance, while, according to the other, Miriam is pictured as standing next to Zipporah when a messenger came running to tell Moses that Eldad and Medad had received revelation in the desert (Numbers 11:26-30). Miriam saw the expression on Zipporah's face and heard her say to herself: "Woe unto the wives of these men. They have no idea of what is in store for them!!" Thus Miriam knew that Moses had not slept with Zipporah since the day when the word of God first came to him and she imparted this information to her brother, Aaron. The rabbinic portrayal of Moses' separation from Zipporah is based upon Exodus 18:12, where it is said that he had "sent her away."

back rather than confronting him directly, the occasion demonstrated how important she was to the Israelites. For we know that the people could not continue their journey towards Erez Yisra'el until Miriam returned to the camp (Numbers 12:15). The Midrash embellishes this point to underscore the dependency of the entire nation on her by stating that, for the seven days when she was removed from the camp, there was no trace of the pillar of fire, the clouds of glory, the Divine presence or the well of water which had accompanied them on their march. Because Miriam had patiently waited for Moses by the Nile, the people had to wait for her to return to the camp before they saw the fire, clouds, Shekhinah and the well and, therefore, could proceed on their way.<sup>28</sup>

Since Miriam's whole life was associated with water, her very presence amongst the people was analogized to the existence of a well which sustained Israel for forty years. The Rabbis saw her as the major redemptive vehicle for the people and symbolized her role by speaking of a miraculous well which provided water during the arduous journey from slavery to freedom. It was called "Miriam's well,"<sup>29</sup> and the water which flowed from it was said to have had the taste of milk, wine and honey,<sup>30</sup> the very objects to which the Torah is likened.<sup>31</sup> It is clear that Miriam's well was a symbol of spiritual as well as physical sustenance. Drinking of its water represented the internalizing of the words of Torah, "the water of life," *mayim hayyim*, and through it achieving the messianic.<sup>32</sup> This is the symbolic importance of Miriam's life, which is underscored in the events following her death.

28. *Sifrei Bamidbar, pisqa* 106. Parallels can be found in *Sifrei Zuta* to Numbers 12:15, *Mekhilta de-Rabbi Ishmael, Massekhta de-Beshallah, petihta*; *Sifrei Devarim, pisqa* 75 and B. T. *Sotah* 9b.

29. Though the term "Miriam's well" is found only in post-tannaitic sources, references to the well which accompanied Israel on its journey and its association with Miriam are found throughout rabbinic literature. It is said to have been one of the ten things created during the twilight prior to the first Sabbath of creation (B. T. *Pesahim* 54a) and, therefore, was available to humankind from its very first moment in this world; each generation could avail itself of the well. And, indeed, the well was in the possession of each of the patriarchs and matriarchs (e.g., *Bereshit Rabbah* 54:5 and 60:5). Though the thrust of the tradition sees the well as disappearing after Miriam's death and only being restored by Elijah in the messianic age (e.g., *Mekhilta de-Rabbi Ishmael, Massekhta de-Vayassa, parashah* 5), some sources indicate that the well can be found even today near Mt. Carmel, in the sieve-like rocks at its base (B. T. *Shabbat* 35a), or at the Sea of Galilee near Tiberias, where its waters can heal most any ailment (P. T. *Kila'im* 32c; *Vayiqra Rabbah* 22:4 and *Midrash Tanhuma Buber, Hukkat* #50). Miriam's well is symbolically ever-present and accessible to each of us; all we have to do is drink from it and experience redemption.

30. *Mekhilta de-Rabbi Ishmael, Massekhta de-Amalek, parashah* 1.

31. See, for example, *Bereshit Rabbah* 4:19 and *Shemot Rabbah* 25:7.

32. Water is generally a metaphor for Torah in rabbinic tradition. Note, in this regard, the fine analysis in Patricia Karlin's *Water as a Symbol of Healing and Redemption*, especially Chapter Four, pp. 61-79. The most extended comparison between water and Torah can be found in *Shir ha-Shirim Rabbah* 1:2.

#### IV. *Miriam's Death and the Need for Water*

Unlike her famous brothers, whose deaths are vividly described in the Bible, Miriam dies and there is hardly a mention made of it:

And the children of Israel came into the wilderness of Zin in the first month; and the people abode at Kadesh; and Miriam died there and was buried there (Numbers 20:1).

Though some sources take her death notice at face value, the Rabbis arguing that no one immediately mourned her passing and that she was buried by only Moses and Aaron,<sup>33</sup> the tradition does emphasize that Miriam is said to have died in the first month at Kadesh, the Holy Place, and, more importantly, on the first day of Nisan.<sup>34</sup> Her death coincided with the beginning of the period of redemption and followed, symbolically, upon the description of the Red Heifer as a means of purification (Numbers 19), all of which highlights the salvific model that she was believed to be.

Yet, it wasn't until after she died that the people really understood her significance. For, immediately after reporting her death in Numbers 20, the Torah says that a dearth of water set in (v. 2), which, according to the Midrash, occurred because the well that had accompanied them through the desert disappeared. As a result, the Israelites realized that the existence of the well was due to the merit of Miriam and was associated with her presence; she had been, indeed, their source of redemption.<sup>35</sup> Furthermore, her absence was even more evident when Moses, instead of heeding God's command to speak to the rock, twice struck it with his rod (v. 11), the extension of his own power, and for so doing was punished. Moses, himself, had not internalized the message of Sinai, thinking that human power was sufficient to bring redemption to the world.<sup>36</sup> He did not fully understand that it was only by uttering the

33. E.g., *Yalqut Shim'oni* 1:787. Other midrashim stress that Miriam's death was as glorious as those of Aaron and Moses, thereby underscoring her role as part of the triumvirate of desert leadership. See, for example, B. T. *Ta'anit* 9a, *Mo'ed Katan* 28a, *Baba Batra* 17a, *Shir ha-Shirim Rabbah* 1:2 and *Yalqut Shim'oni* 1:763.

34. B. T. *Ta'anit* 9a, *Seder Olam Rabbah*, Chapter 9 and Josephus' *Antiquities* IV, 4, 6 (Loeb Classical Library, Cambridge, reprinted 1967), Vol. 4, p. 55.

35. Note, among many passages, the *Mekhilta de-Rabbi Ishmael*, *Massekhta de-Vayassa*, *parashah* 5; *Sifrei Devarim*, *pisqa* 305; *Tos. Sotah* 11:1; B. T. *Ta'anit* 9a; *Midrash Mishlei* 14:1; *Midrash Tanhuma ha-Nidpas* and *Midrash Tanhuma Buber*, *Bamidbar* #2; *Bamidbar Rabbah* 1:2; *Midrash 'al Petirat Aharon* in *Ozar Midrashim*, vol. 1, p. 13; *Yalqut Shim'oni* 1:763 and *Midrash Aggadah* to Numbers 20:2.

36. It is ironic, however, that the act of striking the rock, which led to their downfall at Kadesh (Numbers 20), was deemed justified at Rephidim (Exodus 17) and that these two incidents are linked through the use of the term "the waters of Meribah" to describe both places. By incorporating the identical name in the two narratives, the biblical writer forces us to compare them and try to understand what constituted Moses' sin. Though Moses was obviously guilty of publicly disobeying God's order to speak to the rock, that still does not

words of the living God that he could bring forth life-giving water for his people. In contrast, had Miriam still been alive, she surely would have sung God's song to the rock (well), thereby raising its salvific waters. Unlike Moses, her brother, the man of action, who was unable to speak/sing, it was Miriam, who, through her song, was a redemptive model for her sisters and brothers as well as for us. Her gift to all of us was her song, which could cause the waters of the well, associated with her, to flow.

The nature of Miriam's gift and the paradigmatic importance of her life is underscored in Numbers 21 by what seems to be a kind of postscript to the story of her death and Moses' striking of the rock:

And from there [they journeyed] to Be'er (Well): that is the well whereof the Lord said to Moses: "Gather the people together and I will give them water." Then sang Israel (*ʿAz yashir Yisraʿel*) this song: "Spring up, O well; sing ye to it (*ʿenu lah*): the well which the princes dug; which the nobles of the people delved, with the sceptre and with their staves" (vv. 16-18).

These verses are frequently utilized by the Rabbis as prooftexts in their discussions of Miriam's well and its significance — and rightfully so. Not only is the emphasis upon singing to the well as a means of bringing water, but there are specific allusions to Miriam and the song of redemption at the Sea. The phrase "*ʿaz yashir Yisraʿel*" is almost synonymous with the opening of *Shirat ha-Yam* and the words "*ʿenu lah*" (sing to it) call to mind the description of Miriam's singing in Exodus 15:21, "*ve-taʿan lahem Miriam*" (and Miriam sang to them).<sup>37</sup> Furthermore, the references to the princes and nobles are taken by the Rabbis as allusions to the leaders of the people — the patriarchs, tribal heads, as well as Moses and Aaron ("with sceptre and . . . staves") — in whose possession the well was found over the centuries.<sup>38</sup> Finally, the very next phrase of the song to the well, (Numbers 21:18) "*mi-midbar Mattanah*" (And [they journeyed] from the wilderness to Mattanah), because it is problematic, lends itself to a beautiful *derash* which caps the discussion of Miriam's importance. The term "*midbar*" (wilderness) is not all that clear, especially because the people were said to have been at Be'er (v. 16). If it is to be taken as a place name, it is not specific enough a reference; and if the phrase is to be translated as "And from the wilderness of Mattanah," then the text is redundant, since it goes on to say "and from Mattanah to . . ." If, however, it is read with a

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explain why God told him to speak to the rock at Kadesh, when he commanded him to strike it at Rephidim. Why the change? What occurred between the time Israel encamped at Rephidim and when they found themselves at Kadesh? The answer, because it is so obvious, is so easy to overlook — Sinai! Prior to establishing a covenantal relationship with God, power and might were justified means of bringing redemption. Therefore, Moses could use his rod to bring the plagues upon the Egyptians, split the Sea and draw water from the rock at Rephidim. However, following the acquisition of God's laws, it was basically through the divine word that redemption would come.

37. The Rabbis pick up on these parallels in a number of places. For example, *Bamidbar Rabbah* 1:2.

38. E.G., *Targum Yerushalmi* to Numbers 21:17-20.

different vocalization — *u-mimedabber mattanah*, then it could be taken as a description of the well (*Be'er*), which is the focus of the passage. The well was “a gift (*mattanah*) from the one who spoke (*medabber*)/sung to it.” The well was Miriam’s gift to the Jewish people; a model for redemption in every age.

## V. *Miriam and the Messianic Line*

Since we know nothing of Miriam’s family life, the Rabbis, by filling in the gap and providing us with the details, were able to extend her portrait as a redemptive model. Based upon their interpretation of I Chronicles 2:18-20, in which Caleb, the son of Hezron, is said to have married both Azubah and Ephrat, the Rabbis argued that Miriam’s husband was Caleb ben Yefunah. Not only are the two Calebs seen as the same person, but Miriam is identified with both of Caleb’s wives.<sup>39</sup>

Identifying Miriam with Ephrat is of primary importance for a number of reasons.<sup>40</sup> First, since I Chronicles 2 stipulates that Ephrat gave birth to Hur, the father of Bezalel, Miriam is considered to be both the mother of Hur, who courageously refused to build the Golden Calf prior to Aaron’s complicity,<sup>41</sup> and the grandmother of Bezalel, the architect of the Tabernacle which was the place where Israel and God were united.<sup>42</sup> Second, based on Miriam’s identification with Ephrat and on I Samuel 17:12, which states that “David was the son of that *Ephratite* of Bethlehem,” it is thought that King David was the product of the union between Miriam and Caleb.<sup>43</sup> Giving added substance to this claim was Miriam’s association with the midwife, Puah. Since, in Exodus 1, the reference is to God’s “building houses” for the midwives because they saved Israelite lives (Exodus 1:17), the Rabbis stated that

one of the midwives established priestly and levitical families, while the other was the founder of a royal family. Priestly and levitical families (Moses and Aaron) came through Yocheved; a royal family came from Miriam because David descended from her.<sup>44</sup>

Miriam was not only viewed as a source of redemption for the generation of the desert, but she was thought to have been the progenitor of the messianic line!

39. For example, B. T. *Sotah* 12a, *Shemot Rabbah* 1:17 and *Midrash Lekah Tov* to Exodus 1:21.

40. Miriam’s identification with Ephrat is substantiated by her role as a midwife in Egypt — Israel was fruitful (*parah*) and increased because of her.

41. See *Vayiqra Rabbah* 10:3.

42. As an illustration of the significance of the erection of the Mishkan for the covenantal relationship between God and Israel, see *Pesiqta de-Rav Kahana* 1:1. See also *Shemot Rabbah* 40:1 and 48:4 regarding the association between Miriam and Bezalel.

43. E.g., *Sifre Bamidbar*, *pisqa* 78 and B. T. *Sotah* 12a.

44. *Shemot Rabbah* 1:17.

VI. *Conclusion: The Meaning of Miriam's Song*

Though the Bible ostensibly tells us very little about Miriam, by weaving together the few strands of information that we do possess, we have come to realize the beauty and significance of the tapestry of her life. She was clearly part of the triumvirate of leadership along with Moses and Aaron, and was as responsible as they for guiding the people from slavery to freedom. In fact, the Rabbis stress over and over again that she was one of the three redeemers who provided the necessary spiritual nurturing to the desert generation and played an integral role in Israel's development and survival.<sup>45</sup>

Her life-song, however, which she first enunciated at the Sea, together with her sisters, and then throughout the desert journey, was unique. It was both one of courage and conviction, as evidenced in her standing up to Pharaoh, to her father and even to Moses, as well as one of patience, support and understanding, as shown by her watchfulness at the Nile and her aiding Zipporah. Miriam sang God's words of redemption and reminded the Israelites of the message of Torah, the water of life.

But the song that Miriam intoned, like the well associated with her, was not confined to the desert experience. Miriam's song, which once reverberated through the barren wilderness, can be a powerful model from which even we today can learn. By allowing it to resonate within our very beings, we will be better able to understand the direction of our lives and more apt to discern our paths through the desert to the Promised Land.

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45. See, for instance, *Midrash Tanhuma ha-Nidpas* and *Midrash Tanhuma Buber*, *Bamidbar* #2; *Midrash Mishlei* 14:1; *Bamidbar Rabbah* 1:2; *Yalqut Shim'oni* 1:763 and *Midrash 'al Petirat Aharon* in *Ozar Midrashim*, vol. 1, p. 12.

# *Uncertainty and Unity: Paradox and Truth*

PHILIP JAY BENTLEY

## I

Rabbi Aha in the name of Rabbi Hanina said: When Moses ascended into heaven he heard the voice of the Holy One, blessed be He, as He sat studying the section dealing with the Red Heifer.<sup>1</sup>

THE LAW OF THE RED HEIFER IS THE PARADIGM for the class of Commandments (*Mizvot*) known as Statutes (*Huq-qim*). A Statute is a Commandment which must be observed despite the fact that it has no apparent rational basis. Not only is the Red Heifer without a rational reason, it is given in a form which is blatantly irrational. The ashes prepared from this rare animal are needed for ritual purification, yet those who are involved in the preparation are rendered ritually impure in the process.<sup>2</sup> Despite the obvious internal contradiction, the Midrash warns that criticisms of this statute arise from the Evil Inclination.<sup>3</sup> The irrationality is not denied. Even God sits and studies the meaning of this law. Yohannan ben Zakkai, when questioned by his students about it, said,

It is not the dead that defiles nor the water (with which the ashes are mixed) that purifies. The Holy One, blessed be He, merely says, "I have issued a decree. You are not allowed to transgress My decrees."<sup>4</sup>

This paper will seek to explore some of the non-rational or irrational aspects of Jewish tradition in the light of current scientific thought, specifically that area of modern science which encompasses seemingly irrational elements: Quantum Mechanics.

The parallels and analogies which will be drawn here are not meant to imply any direct connection between Jewish tradition and modern theoretical physics. No hypothesis is offered that our rabbis and sages had secret knowledge of physical principles or that the scientists cited here somehow derived their theories from Jewish sources. The intention of this paper is simply to use some aspects of theoretical physics as a means

1. *B'midbar Rabbah* 19:7.

2. Numbers 19:1-10.

3. *B'midbar Rabbah* 19:9.

4. *Ibid.*, 19:8.

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of providing a new way of looking at traditional Jewish sources and perhaps shedding new light on them.

## II

No one has ever seen sub-atomic particles. Some will never be seen because they are so close in nature to light itself that the process of “seeing” has no meaning when applied to them. Others exist for such short spans of time, billionths of a second or less, that it is inconceivable that they themselves will ever be seen by human eyes. Instead, physicists look for the “path” of the particles, the signs that they have been there. As we seek evidence for the ultimate nature of physical reality we no longer hope to see its face, but only its back.

When Moses asked to see God face to face he was told, “You cannot see My face for no man may see Me and live . . . You will see My back, but My face must not be seen.”<sup>5</sup>

Jewish theology is approached with reticence, if at all. God is discussed in either the simplest, most general terms, or in a manner which is obscure and indirect. This is because Jewish tradition tends toward the belief that mere humans cannot ever truly understand God except in terms of relationship with humanity. Other religious traditions produce volumes on theology attempting to describe the godhead. Jewish sources emphasize the question of God’s relationship with Creation.

Maimonides, for example, speaks of God in two ways. On the one hand, the first four of his thirteen principles<sup>6</sup> are elementary statements about God (God’s existence, unity, incorporeality, and eternity). On the other hand, in his great philosophic work, *Guide for the Perplexed* (*Moreh N’vukhim*), he expounds with great subtlety his doctrine of negative attributes.<sup>7</sup> Maimonides’ concern was that, should any philosopher believe it possible to speak of God’s own nature in absolute and positive terms, then this would imply a plurality in God since that knowledge itself would constitute something equal to God. He warns us, therefore, to speak only indirectly or in negative terms about God.<sup>8</sup>

Just as particle physics is largely concerned with the effects of the primary objects of study, Jewish theology emphasizes the effects of God’s attributes on Creation rather than the nature of God Himself.

This is graphically expressed in one of the most beloved hymns of the Sabbath liturgy, “The Hymn of Glory:”

They depicted You, but not as You actually are,  
They described You only according to Your actions.

5. Exodus 33:20, 23.

6. *Helek: Sanhedrin* X.

7. *Moreh N’vukhim* I, 59.

8. *Ibid.*

## III

Werner Heisenberg formulated the uncertainty principle in order to explain anomalies in observing the sub-atomic realm, where the laws of Newtonian mechanics do not apply. In that newly discovered world, he demonstrated, we cannot know with certainty both the position and the momentum of any given particle at any given moment. We can know both of these approximately or we can know either exactly. The more we know about one, the less we know about the other. To know everything about one is to know nothing about the other, except within a range of probability. Probability replaces certainty in modern physics.

This experimentally verified principle created a storm of controversy, especially since Albert Einstein denied that it represents ultimate physical truth.

Some physicists, among them myself, can not believe that we must abandon, actually and forever, the idea of direct representation of physical reality in space and time; or that we must accept the view that events in nature are analogous to a game of chance . . .<sup>9</sup>

Heisenberg's work had shown that sub-atomic phenomena could be described only in terms of probability, even defining the extent of that probability. Einstein passionately believed that, with the right conceptual tools, everything could be known with certainty.

The aim of science is, on the one hand, a comprehension as complete as possible, of the connection between the sense experiences in their totality and, on the other hand, the accomplishment of this aim by the use of a minimum of primary concepts and relations (Seeking, as far as possible, logical unity in the world picture . . .)<sup>10</sup>

Einstein spent the last decades of his life in search of a unified field theory, a view of the physical world that would explain all phenomena with one set of rules, and Heisenberg, himself, later joined the search for such a theory.<sup>11</sup> Both the uncertainty principle and the search for a unified field theory may be used toward a new understanding of some of the non-rational aspects of Jewish thought.

## IV

Towards the end of his discussion of the concept of negative attributes, Maimonides makes a statement that could be read as a theological version of the uncertainty principle.

9. Albert Einstein, *Out of My Later Years* (Totowa, N.J.: Littlefield, Adams & Co., 1967), p. 107.

10. *Ibid.*, p. 62.

11. It should be noted that both Einstein and Heisenberg wrote on the relationship between science and religion and that both were concerned with the problems which are caused by science and technology unharnessed by religious and moral values. Einstein wrote frequently on such subjects, but see the section "Science and Religion," *Op. cit.*

For Heisenberg on this subject, see his "Scientific and Religious Truth" in *Across the Frontiers*, (New York: Harper and Row, 1974).

... [H]e who falls short of the apprehension of the true reality of some matter is one who apprehends part of it and is ignorant of another part — for instance someone who apprehends in the notion of man the necessary concomitants of animality and does not apprehend in it the necessary concomitants of rationality. Now there is no multiplicity in the true reality of the existence of God, may He be exalted, so that one thing pertaining to Him might be understood while another remains unknown.<sup>12</sup>

One of the reasons why the concept of negative attributes is needed is that the more one quality of God is emphasized or understood, the less can be emphasized or understood of a complementary divine attribute. There is no way for the human mind to understand the whole, at least through the use of ordinary human language and modes of thought. Perhaps that is why Maimonides indicates repeatedly that an intuitive approach is best.

The most apt phrase concerning this subject is the dictum occurring in the Psalms, "Silence is praise for you" (Ps. 65:2).<sup>13</sup>

## V

Creation itself is filled with paradox, and the greatest one is humanity. We are caught between opposites. The more we understand one side of a question, the less we can understand of the other. The more closely we follow one ideal, the more we violate another. When we seek to grasp both ends we find ourselves in constant motion between two poles, usually in a state of moral distress. Truth itself has no place in our existence.

Rabbi Shimon said: When the Holy One, blessed be He, came to create Adam, the ministering angels formed themselves into groups and parties, some of them saying, "Let him be created," while others urged, "Let him not be created." Truth said, "Let him not be created because he is compounded of falsehood." What, then, did the Lord do? He took Truth and cast it to the ground.<sup>14</sup>

Human existence would not be possible if truth would have to be absolute. This idea goes far beyond the ethics of words. The world is such that absolute truth cannot be known with certainty. Not only do Jewish ethics and jurisprudence allow for this fact, but our understanding of the human condition itself allows for it.

We believe that God is both just and merciful, but these qualities are often in conflict. In human affairs, one impulse tells us to treat evil-doers with severity while another tells us to show compassion to every person. We regard God as if He suffers from the same dilemma. God is called by various names which are associated with different, sometimes opposite, attributes. "God" is associated with the quality of Justice. "Lord" is associated with the quality of Mercy. With which attribute was the world created?

12. *Moreh N'vukhim* I, 59.

13. *Ibid.* I, 60.

14. *B'reyshit Rabbah* 8:5.

THE LORD GOD MADE HEAVEN AND EARTH. This may be compared to a king who had some empty glasses. Said the king, "If I put hot water into them, they will burst; if cold, they will contract (and snap)." What, then, did the king do? He mixed hot and cold water and poured it into them, and so they remained (unbroken). Even so the Holy One, blessed be He, said, "If I create the world on the basis of mercy alone, its sins will be great: on the basis of justice alone, the world cannot exist. Hence I will create it on the basis of justice and mercy and it may then stand!" Hence the expression THE LORD GOD.<sup>15</sup>

The more we see God as the God of Justice, the less room we have for the quality of mercy in our understanding. The more we see God as Lord, the God of mercy, the more incomprehensible and intolerable strict justice seems. Judaism has, therefore, created a dynamic approach to our understanding of God and to our concept of human relationships. Our theology, law and ethics all seek to combine both qualities. The concept by which we reconcile justice and mercy is repentance (*tshuvah*), and the key to the concept of repentance is free will which is, itself, a paradox.

Rabbi Akiva said, "All is foreseen and free will is given."<sup>16</sup> If God is all-powerful, all-seeing, and all-knowing, how can there be any possibility of free will? Rabbi Akiva's dictum represents a self-contradiction yet he makes no attempt to reconcile its two aspects. Even Maimonides makes no such attempt and rejects all attempts to do so (predestination, astrology, fate). He affirms the truth of this saying without ever really explaining it.<sup>17</sup> God has absolute power and yet humanity is given the freedom to choose and to change. This idea is confirmed in all of his major works.<sup>18</sup> How divine omnipotence and free will can co-exist in the world is simply "beyond the reach of human ken."<sup>19</sup> The more we contemplate God's power, the less we understand of human free will. The more we know of human free will, the less we can understand God's infinite power. The key, as can be seen from the saying which follows Akiva's dictum as well as the context of Maimonides' discussions of free will, is the human ability to change: repentance.

A modern physicist has attempted to demonstrate a new understanding of this paradox in terms of modern theoretical physics.<sup>20</sup> In Einstein's view, time is a dimension. The universe that we experience has four dimensions. Three (up and down, right and left, forward and backward) are spatial, while the fourth is temporal. We are able to travel in either direction, in any combination and at any speed in the three spatial dimensions; however, in the temporal dimension we can only travel

15. Ibid., 12:15

16. *Avot* 3:19.

17. *Eight Chapters*, chapter 8.

18. *Mishneh Torah*, "Repentance," ch. 5; *Eight Chapters*, ch. 8; "Letter on Astrology"; *Moreh N'vukhim* III, 36; and Commentary to *Avot* on 3:15.

19. *Eight Chapters*, end.

20. Henri Atlan, "The Creativity and the Reversibility of Time", *SHEFA* 1, 2: 40ff.

forward, apparently at a fixed rate. This represents a paradox because there is a principle of equivalence which says that time co-ordinates can be transformed into space co-ordinates, and vice versa. If, as is true in the Einsteinian universe, time flows in only one direction, how can we affirm the principle of equivalence? This paradox is actually very much like Akiva's. The sense in which we perceive time as flowing only forward is in our perception of cause and effect. Causes always precede effects in time. The question of free will also involves the matter of cause and effect. We are able to act in the sense that an action now produces an effect in the future. There may be a level of reality in which time flows in both directions, but we can act only because we perceive of time as flowing in one direction.

God, of course, is not bound by a uni-directional flow of time, since the Creator of the space-time continuum (i.e. the universe) would be outside of both time and space. Is God, then, barred from acting in the realm of time? God's name Y-H-V-H is derived from the verb "to be." With its variant forms, this name is an indication that we see God as the ultimate in being. God is, God was, and God will be always. God exists, therefore, in time as well as beyond it. The paradox of time exists in both theology and physics.

Another way of expressing the time paradox is in terms of the opposing phenomena of entropy and evolution. The Second Law of Thermodynamics associates the forward motion of time with an increase of disorder in the universe. Evolution is associated with an increase in order with the passage of time.<sup>21</sup> If we look to the sphere of human activity we find that, left to themselves, things tend toward disorder. However, human effort can lead to increased order and to improvements in a situation.<sup>22</sup> In Jewish terms we call this process *Tiqqun Olam* (literally, "repair of the world"). *Tiqqun Olam* is, in effect, a reversal of time since it reverses the tendency toward disorder. Repentance is an important example of this reversal and a demonstration of how human beings may have the power even to be free of the bonds of time. Perhaps this is a step toward a solution to Rabbi Akiva's paradox.

## VI

One of the most abused quotations from the Talmud is Hillel's famous dictum,

If I am not for my self, who will be for me;  
But if I am for myself only, what am I;  
And if not now, when?<sup>23</sup>

21. Depicting evolution as a violation of the Second Law of Thermodynamics is a favorite argument used by "scientific creationists."

22. It is understood, however, that some human activity can increase disorder or be without effects of importance. What is important is that it is possible for human activity to increase order or decrease disorder.

23. *Avot* 1:14.

The form that this abuse takes is the citation of either the first or second line by itself. The first line is quoted alone to defend parochialism or even chauvinism among Jews. The second is sometimes quoted alone by those who defend a lack of concern with specifically Jewish issues and concerns. Hillel meant to strike a balance between selfishness and altruism or between particularism and universalism and did so in the form of a paradoxical statement. The two statements seem to be a self-contradiction within one saying. They are read, however, as being two parts of the same idea. If either is held up alone as the truth it is only a half-truth and, by that token, a half-lie.

On the one hand, it is well understood that no one will advocate Jewish rights and needs unless Jews do. On the other hand, Jewish concerns extend beyond the narrowly defined field of Jewish interests. Jews are not permitted to ignore either Jewish concerns or the problems of the general community. We notice, however, that the more we emphasize the issues affecting our people, the less concern we may show for those issues affecting others.<sup>24</sup> The more concern we show for the problems of others, the less we seem to show for our own. We are required to act in response to both parts of this saying.

Hillel did not, and could not, leave his statement in such a state of internal contradiction. To do so in the area of theology, as Akiva did, is one thing; to do so in the area of ethics is quite another. Hillel demands, therefore, that we not be left pondering the right choice or the right mix of priorities. He demands that we act, and that we act now.<sup>25</sup> Perhaps this represents a solution to the free-will paradox. In the world of quantum mechanics, probability reigns supreme; in the world of human action, choices must be made and actions carried out. The future is unknown and represents probability, but, once we act, probability resolves itself into certainty. God may know what probability we will choose; nonetheless, we make the choice. Is choice possible? In a creation whose basic structure consists of probability, humanity becomes the means of expressing certainty. This idea will be explored through another branch of Jewish thought: Kabbalah.

## VII

By now, the reason for Gershom Scholem's lifework of establishing an important place for the study of Jewish mysticism is well-known. He stated it himself in his biography of Sabbatai Sevi:

I have written this book on the basis of a particular dialectical view of Jewish history and the forces acting on it . . . I do not hold to the opinion of those

24. Some see fit to keep this interpretation within the Jewish purview by contrasting the Jew who is concerned with personal affairs with one who is involved in the affairs of the Jewish community. There is nothing wrong with this interpretation unless it is considered to be the only valid one, which is how it is sometimes presented.

25. Max Kadushin, *The Rabbinic Mind* (New York: Bloch Publishing Co., 1972), p. 142.

(and there are indeed many of them) who view the events of Jewish history from a fixed dogmatic standpoint and who know exactly whether some phenomenon or another is "Jewish" or not. Nor am I a follower of that school which proceeds on the assumption that there is a well-defined and unvarying "essence" of Judaism.<sup>26</sup>

In opposition to those thinkers who sought a single vision which could explain Jewish history without even one valid source to contradict it, Scholem replied that the vital essence of Judaism is in that struggle of opposing forces. The reason for reviving the knowledge of Jewish mysticism was to serve that vitality by helping to re-establish the tension between rational forces (which had gained a monopoly among Jewish scholars) and irrational forces.<sup>27</sup>

I have called Scholem's counter-history an account of the productive conjunction of opposites: myth and rationalism, restorative and apocalyptic messianism. The Jewish tradition is governed by the constant dynamic conflict between these opposing forces. A static picture cannot be objective because it reflects the constellation of forces at a particular moment, obscuring the hidden level on which future developments are being prepared . . . Scholem claims that the Jewish tradition consists of a plurality of ideas and that this conclusion is the only one to be drawn from a non-dogmatic consideration of all of Jewish history.<sup>28</sup>

It is likely that Scholem's insight, expressed in these terms, could have come at no other point in history. While, of course, the tension itself has long been recognized, as has been argued in this paper, the idea that this is the essence of Judaism could have come only in an age when, on the one hand, Judaism has come to be studied objectively by Jews, and when, on the other hand, the scientific view of the ultimate nature of the physical world has been completely upset. It might even be conjectured that perhaps it is no accident that the same intellectual environment produced the respective creators of the uncertainty principle and counter-history.<sup>29</sup> In a world where the physical universe is understood as being based on probability, a vision of Judaism in a state of constant flux and tension may be considered a likely possibility.

## VIII

Because of its attention to the unusual (in Judaism) subject of cosmology, Kabbalah, the subject of Scholem's work, is filled with possible

26. Gershom Scholem, *Sabbatai Sevi* (Princeton, N.J.: Princeton U. Press, 1973), pp. x-xi.

27. David Biale, *Gershom Scholem: Kabbalah and Counter-History* (Cambridge: Harvard U. Press, 1979), pp. 203-205.

28. Ibid. See also, David Biale, "Gershom Scholem and Anarchism as a Jewish Philosophy" *JUDAISM*, 32, 1 (Winter, 1983): 70ff.

29. In fact, Heisenberg and Scholem were both post-graduate students at the University of Munich at about the same time in the early 1920s. No direct connection is implied, but it seems possible that something in the intellectual environment of the inter-war period in Germany may have given rise to such iconoclastic thinking.



analogies to modern theoretic physics.<sup>30</sup> The usual scheme for the doctrine of *Sefirot* yields a good illustration of this.



*Keter*, the *Sefirah* at the top, stands by itself and is considered to be beyond all duality. Beyond it is the *Eyn Sof* (Infinite) which is beyond the reach of human comprehension. Below it the scheme divides into a left and right side, each containing three *Sefirot*. The *Sefirot* of each right-left pair are opposites of and complementary to each other. Between each of the three pairs there is a mediating *Sefirah*. Thus, three triads are formed.

The second of these triads includes *Din* (Judgment) on the left and *Hesed* (Lovingkindness) on the right. As with Justice and Mercy in the Midrash (see above) it is understood that these opposite qualities must co-exist in creation. To the mystic, however, it is possible for human actions to influence divine actions. One may be tempted always to try to stimulate the *Sefirah* of *Hesed* but it is well-understood that *Din* is also necessary. It is, therefore, a Kabbalistic practice to seek the mediating influence of the *Sefirah* that lies between them, *Tiferet* (Beauty, referring to the "Beauty of Israel"). One ritual in which this effect is sought is the mixing of red wine (for *Din*) with white water (for *Hesed*) for Kiddush so that right and left are married in *Tiferet* for the Sabbath.<sup>31</sup>

At the bottom of the scheme, the tenth *Sefirah*, *Malkhut* (Kingdom) represents the sphere of human activity and God's presence in it. There are those who see a congruity between the single *Sefirah* at the top and the one at the bottom. What congruity can there be between the ineffable aspect of God in the highest world of Creation and the lowest, which is in the world of our everyday existence? It is unity. Divine unity is imitated whenever action is taken or a word is spoken. At that point probability and duality cease to exist; they have been concretized. Following Einstein's lead, physicists are today looking for the certainty and unity that they believe lies behind the uncertainty and probability of quantum mechanics. This work takes place in the rarefied atmosphere of thought experiments and higher mathematics. In the pursuit of facts, physicists still engage in increasingly difficult experiments, involving more and

30. See, for example, Lawrence Kushner's *River of Light* (Chappaqua, N.Y.: Rossel Books, 1981).

31. Adin Steinsaltz, *The Passover Haggadah* (Jerusalem: Karta, 1980).

more energy in order to pin down evanescent particles. They find “facts” by observing and recording, with the full knowledge that, as they observe and record, they lose a part of the truth because of the uncertainty principle. Their data, therefore, represents a lower kind of unity. Human action also produces unity, but an imperfect, incomplete one. As with the system of *Sefirot*, there is unity at the top and at the bottom and the aim is always to try to understand the unity at the top.

## IX

Toward the end of the last century, theoretical physicists tended to assume that everything to be known about the laws governing the universe was already known. There were only details to be settled. When Planck, Einstein, Heisenberg and others looked at those details they permanently altered that smug view. Now, not only is it understood that there is much that we do not know, but it is understood and accepted that there is much that we cannot know or at least ever observe directly.

Astronomical devices seeking a view of the edge of the universe can see only so far. It might be assumed that since we can see objects as they were ten years ago, if they are ten light-years away, and we can see objects that are millions, even billions of light-years away as they were millions or billions of light-years ago, then we should be able to see the origin of the universe if only we could look far enough. Evidently, this is not possible. There is a horizon beyond which we will never be able to see. The observable universe is limited by its intrinsic nature. Even if, somehow, we could see the Big Bang which, according to current theory, was the origin of the universe, there is no way that we can know what came before it. Some observations can never be made and some questions will never be answered except with hypotheses which have no possible experimental support.

Judaism recognizes that there are limits to human knowledge. The Hebrew word for universe is *Olam*, which comes from the verb “to hide.” We are hidden from ultimate truth, or the world is the place where ultimate truth hides from its inhabitants. The Talmud points out that the Torah begins with *bet*, the second letter of the Hebrew alphabet. The reason is that *bet* is shaped like a bracket which, in a Torah, is written larger than the other letters to indicate that one may not inquire what came before. Of course, rabbinic literature offers conjectures and speaks of what God did before Creation, but that is in order to explain something about this world, not in order to instruct Jews as to what actually came before. Only that which is encompassed by Creation is a truly proper subject for study.<sup>32</sup> Even Kabbalah stops at a certain point. We might also say

32. J. *Hagigah* 77c on M. *Hagigah* 2:1 which says, “Whoever reflects on four things it would have been better for him if he had never come into the world; what is above; what is beneath; what came before (Creation); and what will come after.”

that the Torah begins with *bet* to indicate that what came before is the realm of the first letter, *alef*, which is silent — we cannot “hear” it, which is to say, we cannot understand it.

X

We are not required to find certain knowledge or absolute truth. These things are not within human capacity. We must seek the best understanding, the most perfect knowledge that we can. On the one hand, we must be skeptical of anyone who claims to know absolute truth and, on the other, we must always pursue the ideal of truth. Even with our imperfect knowledge and understanding we are required to act on the best of what we believe and know. We live in a world of uncertainty and paradox, of probability and contradiction. Despite them we do not cease in our search for wholeness, unity and peace in our lives and for the whole world.

## *Lean A Ladder*

**B E R N H A R D F R A N K**

Two thousand years of dreams  
 lean, a ladder, on my heart  
 & Hope climbs up & skips unseen  
 two thousand years. Of dreams  
 and anguish are her temple beams,  
 to God so near, yet every yard —  
     two thousand years of dreams.  
 Lean a ladder on my heart!

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# Characteristics of Biblical Law

RIFAT SONSINO

THE HEBREW BIBLE REFLECTS THE CULTURAL milieu of the peoples of the ancient Near East. However, a study of various Biblical traditions make it clear that the Israelites did not blindly copy from other peoples but incorporated institutions and concepts through adaptation, selectivity, and, at times, even, transformation. Biblical law followed the same pattern. Though there is a great deal of correspondence between cuneiform and Biblical law in terms of form and content, there are also many differences. The following characteristics represent some of the most distinguishing marks of Biblical law.

## *Source of Authority*

Mesopotamia was very proud of its legal tradition. Yet, it is interesting to note that Akkadian, which was the *lingua franca* of the ancient Near East for centuries, lacks a term for “law” in the abstract. This basic concept is expressed by two complimentary words: *kittum* (pl. *kinātim*) and *mesharum*. According to E.A. Speiser, *kittum* represents the sum of cosmic and immutable truths. On the other hand, *mesharum* implies equity and justice. It is the process whereby law is made to function equitably. *Kittum* and *mesharum*, once combined, express eternal verities. Jointly, they spell law.<sup>1</sup>

In ancient Mesopotamia, *mesharum* is one of the duties of the king. He is expected to be a *shar mesharim* (just king). This involves supervision, sound administration and the enactment of decrees for the purpose of improving the well-being of the people. In the introduction to the Laws of Hammurabi, the king says of himself, “I, Hammurabi, am a just ruler (*shar mesharim*), one to whom Shamash has granted the eternal truths (*kinātim*).” From this text we learn that the king’s authority encompasses the area of *mesharum*, but he receives the *kittum* from the divine realm and, in particular, from the sun-god, Shamash, who is also the god of justice.

Who, then, is the source of *kittum*? For a while, scholars assumed that *kittum* emerged from the gods. Indeed, they referred to the stele of Hammurabi in which the god Shamash is portrayed as handing something to Hammurabi, and this was thought to be the *kittum* or even the set of laws

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1. See in particular, E.A. Speiser, “Authority and Law in Mesopotamia,” in *Oriental and Biblical Studies*, edited by J.J. Finkelstein and M. Greenberg (Philadelphia: University of Pennsylvania Press, 1967), pp. 313-323.

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ascribed to Hammurabi. However, another cuneiform text proved the contrary. An inscription from the Mari period (c. 19th-18th cent. BCE) contains the words of king Yahdun-Lim (early 19th century BCE) as he addresses the god Shamash. He says: "To Shamash, the king of the heavens and the earth, the magistrate of gods and men, whose allotted portion is *mesharum* and to whom *kinātum* have been given as a gift."<sup>2</sup> This text clearly shows that the god Shamash is only the guardian of *kittum*, not its source.<sup>3</sup> In light of this inscription it becomes easier to understand the meaning of the figure at the top of the Hammurabi stele. "What the god 'gives' the king," writes J. J. Finkelstein, "is not 'laws' but the gift of the perception of *kittum*, by virtue of which the king . . . becomes capable of promulgating laws. . ."<sup>4</sup>

Whereas, in Mesopotamia, the source of law is beyond an earthly ruler, the formulation of these laws, the actual authorship of the legal stipulations, comes from the hand of the king. Again, in the stele of Hammurabi, this time in the epilogue, we find several lines such as, "I wrote my precious laws on my stele," or "my words are choice." It is clear that the king is considered the author but not the source of law.

This, however, did not mean that the king in Mesopotamia was allowed to do as he pleased. In contradistinction to the pharaoh in Egypt who was considered a god, "the Mesopotamian ruler was viewed as an ordinary mortal who was accountable to the gods for his every move."<sup>5</sup> He was, in fact, subject to the discretion of the priests who imposed upon him various expiatory rituals, often to his intense discomfort and distaste.<sup>6</sup>

A further development in this direction is noted in the Hebrew Bible. For, in ancient Israel, God was not only the sole source of law, but was also considered the formulator of all the legal prescriptions. The law was God's law. Moses was only a mediator, as is best expressed in statements such as, "the book of the Torah of the Lord through Moses" (II Chr. 34:14), and "according to the word of the Lord given by Moses" (II Chr. 35:6).

The practical result of this assumption was of great importance for the legal tradition of ancient Israel. The law was considered supreme. It governed every person, including the highest official in the realm, the king. No one was outside of it and everyone was bound by it. This explains the presence of the law of the king in Deut. 17:14-20 which stresses that the copy of the Torah is to "remain with him and let him read in it

2. G. Dossin, "L'inscription de Fondation de Iahdun-Lim, roi de Mari," *Syria* 32 (1955): 4.

3. E.A. Speiser, "Cuneiform Law and Civilization," *Proceedings of the American Philosophical Society*, 107 (1963): 537.

4. J.J. Finkelstein, in a note attached to an article by M. Greenberg, "Some Postulates of Biblical Law," in *The Jewish Expression*, ed. J. Goldin (Bantam, 1970), pp. 18-37.

5. E.A. Speiser, "Early Law and Civilization," in *Oriental and Biblical Studies*, p. 548.

6. Speiser, "Authority and Law," p. 317.

all his life, so that he may learn to revere the Lord his God, to observe faithfully every word of this Teaching as well as these laws . . . thus he will not act haughtily toward his fellow. . .” It also validates the references to notable confrontations that took place between royalty and people of stature in which kings were accused of breaking the law (e.g., Nathan and David [II Sam 12]; Elijah and Ahab [I K.21]).

### *Crime and Sin*

The recognition that God is both the source and the formulator of the law has another important consequence, which is to consider all transgressions as sins, irrespective of the magnitude of the particular deed.<sup>7</sup> Furthermore, inasmuch as the command issues directly from God, only He can grant pardon.

The law of adultery is a good example of this thinking. In the ancient Near East, adultery was a crime committed primarily against the husband. Consequently, the husband had the right to pardon his wife, if he so wished. We read in the Laws of Hammurabi, “If a married woman is caught lying with another man, they shall bind them and cast them into the river. If her husband wishes to let his wife live, then the king shall let his servant live” (No. 129). Biblical law, however, considers adultery an absolute wrong, for which no pardon is possible. The act is committed against God, and not against the husband.<sup>8</sup> Therefore, the death penalty is applied to both parties, the adulterer as well as the adulteress (Lev. 20:10; Deut. 22:22).

The book of Proverbs, in dealing with the question of adultery, appears to identify the husband as the person against whom the act is committed (Prov. 6:32-35). However, as Tigay correctly points out, “whether passages from the wisdom literature, with its strong international literary ties, reflect actual practice in Israel is a moot question.”<sup>9</sup>

### *Law and Covenant*

Nowhere, outside of Israel, do we find a closer relationship between law and covenant. Treaties were well known in the ancient Near East, going all the way back to Ebla and Sumer. These were concluded either

7. See S. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (*Vetus Testamentum* Suppl. 1970), p. 37. A similar thought is reflected in a statement of R. Abba b. Kahana: “The Scripture has made the lightest command in the Torah equal to the heaviest command” (T. Jer., Kid. 1. 27d line 6).

8. See Gen. 20:6; 39:9; II Sam. 12:13; Ps. 51:1-2. Yet, overlooking these verses, *The Torah, A Modern Commentary*, ed. W. Gunther Plaut, and newly published by the UAHC, (New York, 1981), states that in the case of adultery, both parties are guilty, “the man having violated someone else’s marriage; the woman, her own” (p. 1357). That adultery was an absolute wrong committed against God, not against the husband, was correctly argued by Greenberg in his article, “Some Postulates of Biblical law” (see above n. 4).

9. J.H. Tigay, “Adultery” *Encyclopedia Judaica*, vol. 2, p. 314.

between two parties who are equal to one another or in a relationship of dependency, such as suzerain vs. vassal. Taking, for example, the Hittite treaties of the second millennium BCE, we see that their major components appear in the following order: preamble, historical prologue, stipulations, divine witnesses and blessings and curses. This structure of placing the stipulations between an historical prologue and a list of blessings and curses is also noted in many of the law collections discovered in ancient Mesopotamia.

A "treaty" is essentially an elaborate oath that each party will carry out the stipulations that are agreed upon. Though most of the ancient treaties deal with human partners, "covenants" between humans and deities are also known.<sup>10</sup> In Israel, this covenantal relationship between God and Israel is paramount, and becomes the basis of Israel's very existence. Israelites take upon themselves the obligation to carry out the legal stipulations of the covenant. "Only in Israel," writes S. Paul, "does a legal collection embody the basis for the covenantal agreement between a deity and his elect."<sup>11</sup> Perhaps this direct relationship explains the reason for the formulation of some of the commandments in the second person, a unique characteristic of Biblical law, such as those found in the Decalogue, "do not kill/murder," "do not commit adultery," and others.

### *Secular and Religious Law*

In ancient Mesopotamia, laws, wisdom sayings and priestly handbooks were collected separately. Roman law made a distinction between *jus*, human law, and *fas*, divine law. The Bible does not recognize such differences. In fact, one of the distinctive features of the Biblical material is that it combines different literary genres within the same textual units. Priestly instructions are, at times, found among non-sacred material. We find poetry in wisdom and wisdom in poetry. Law is not always separated from narrative. Civil and moral instructions often follow one another. This inclusive character of the Biblical texts derives from the basic presupposition that all instruction emerges from the divine will. And it is to this divine will that the sages of ancient Israel attributed civil ordinances as well as moral and religious commandments.

Though Speiser argues that "Mesopotamian law . . . was strictly secular"<sup>12</sup> it is difficult to think of "secular" law in the ancient Near East which was dominated by religion and religious institutions. The most that can be said about cuneiform law is that the major concern of the law-givers was the pursuit of the social and economic well-being of their people and that the law collections reflected this concern.

10. For example, in a west-Semitic incantation we read: "Aššur has established an eternal covenant with us." For the text, see F.M. Cross and R.J. Sale, in *Bulletin of the American School of Oriental Research*, 197 (1970) and A. Caquot, *Journal of Near Eastern Studies*, 5 (1973).

11. S. Paul, *Studies*, p. 31.

12. Speiser, "Authority and Law," p. 320.



Biblical law, on the other hand, had a different objective. Having combined all the civil instructions with moral and priestly teachings, and all of them conceived as divine instructions, it considered all teachings as religious. In sum, as Greenberg points out, "In the biblical law, a religious evaluation; in non-biblical, an economic and political evaluation, predominates."<sup>13</sup>

### *Publicity*

In ancient Mesopotamia, the law was directed primarily to the intelligentsia, that is, to priests, scribes, students. The stele of Hammurabi, for example, was placed in the Esagila, the great temple complex sacred to the god Marduk in Babylon, facing the statue of the deity. Only a few, mostly priests, had direct access to it. The purpose of setting up the stele was primarily a religious one, namely, to show the gods that the king had carried out his responsibility as a *shar mesharim* (a righteous king). An aggrieved party learned about the law that applied to him only after the crime was committed. For, as we read in the Epilogue:

Let any oppressed man who has a cause come into the presence of the statue of me, . . . and then read carefully my inscribed stela (sic) and give heed to my precious words, and may my stela make the case clear to him. . .<sup>14</sup>

For Biblical law, however, publicity was central. The teaching was revealed, not to a few individuals alone but to the entire people of Israel. Thus we read: "These are the rules that you shall set before them" (Ex.21:1). Not only are civil matters placed before the Israelites, but even questions that affect the priesthood and the Temple. So, for instance,

The Lord spoke to Moses, saying: Speak to Aaron and his sons and to all the Israelite people and say to them: This is what the Lord has commanded: If any man of the house of Israel slaughters an ox or sheep. . . (Lev. 17:1f.).

Consequently, every Israelite becomes responsible for his own act.

### *Life and Property*

In Babylonian law, offenses against property were often punished by death. For example, according to the Laws of Hammurabi, "If a man has committed robbery and is caught, that man shall be put to death" (No. 22) or, "If he detains that slave in his house and afterwards the slave is caught in his possession, that man shall be put to death" (No. 19).

In Biblical law, however, an offense against property is never punished by death. As Greenberg points out, "in biblical law life and property are incommensurable."<sup>15</sup> Even the law that deals with breaking and

13. Greenberg, "Postulates," p. 28.

14. *Ancient Near Eastern Texts*, 3rd ed., p. 178.

15. Greenberg, "Postulates," p. 27.

entering (Ex. 22:1) does not represent an exception. According to this law, if a thief is seized while tunneling under a wall for housebreaking during the night<sup>16</sup> and the owner of the house puts the thief to death, he does not incur "bloodguilt," inasmuch as he has the right to self-defense. However, if the thief is caught during broad daylight and is killed by the owner of the house, there is bloodguilt, for "the owner of the house may not protect his property at the expense of the life of the housebreaker who, it is assumed, came only to rob and not to commit homicide."<sup>17</sup> B. S. Childs adds: "To my knowledge no other law code seems to have a similar concern for the life of the thief."<sup>18</sup>

### *Multiple Punishments*

Brutal and multiple punishments are common in cuneiform law. A graphic example of this is found in Middle Assyrian Laws, No. 8 (Tablet B):

If a seignior has encroached on the more important bounded property of his neighbor, when they have prosecuted him (and) convicted him, he shall give up one-third as much field as he encroached on; they shall cut off one finger of his; they shall flog him one hundred (times) with staves (and) he shall do the work of the king for one full month.<sup>19</sup>

In Biblical law, on the other hand, the practice is to assign one penalty for one transgression, whether it be a fine (e.g., Ex. 21:19; 22:15-16), bodily mutilation or death. For bodily injuries inflicted with premeditation, Biblical law recognizes the rule of "an eye for an eye" (e.g.: Ex. 21:23-25; Lev. 24:18f; Deut. 19:21). This *lex talionis* represents progress in the dispensation of justice, for not only does it eliminate the imposition of multiple penalties but also avoids the possibility of vicarious punishment.

The only example of bodily mutilation as a punishment for a criminal offense in the Bible is the law in Deut. 25:11-12 which requires that the hand of a woman be cut off when she attempts to save her husband by seizing the genitals of his antagonist. On the other hand, mutilation of the various parts of the body is often prescribed in Babylonian and Assyrian law, including the mutilation or dismemberment of the tongue, eye, breast, ear, nose, ears, fingers, or lips.<sup>20</sup>

16. *The Torah*, New Jewish Version (Phil.: JPS), *ad loc.*, note a.

17. Paul, *Studies*, p. 87.

18. B.S. Childs, *The Book of Exodus* (Philadelphia: The Westminster Press, 1974), p. 474.

19. *Ancient Near Eastern Texts*, 3rd ed., p. 186. The term "seignior" here, refers to a free man of standing. See, Meek's note 39 on p. 166.

20. See, for example, *Laws of Hammurabi* 192, 193, 194, 205; *Middle Assyrian Laws* A, 4, 9, 15.

*Class Distinction*

In ancient Mesopotamia, it was a common practice to discriminate among people with regard to the punishment that was to be applied. For example, according to the Laws of Hammurabi, "If a man has destroyed the eye of a member of the aristocracy, they shall destroy his eye" (no. 196). But, "If he has destroyed the eye of a commoner or broken the bone of a commoner, he shall pay one mina of silver" (no. 198). And, "If he has destroyed the eye of a man's slave or broken the bone of a man's slave, he shall pay one-half his value" (no. 199).<sup>21</sup>

Ancient Israel, promoting the concept that all human beings were created in the image of the divine (see Gen. 9:6), refused to accept class distinctions, and fixed the penalties irrespective of the social position of the culprit. The only possible exception is the slave. According to Ex. 21:20, "When a man strikes his slave, male or female, with a rod, and he dies there and then, he must be avenged. But if he survives a day or two, he is not to be avenged, since he is the other's property." Yet, even in Biblical law, the status of the slave is temporary, and he is to be guarded against abuse at the hand of his master. Though the master has the right to discipline his slave (see above v. 20), he has no right to strike him willfully and with malicious intent to cause him harm (see Ex. 21:26-27), for he, too, is created in the image of God.

*Didactic Purpose*

Biblical laws are often accompanied by dependent clauses or phrases which express the motive behind the legal prescriptions or an incentive for obeying them.<sup>22</sup> For instance, the rationale for the law in Ex. 22:20, "You shall not wrong a stranger or oppress him" is, "for you were strangers in the land of Egypt." The incentive for observing the law in Ex. 20:12 of "honoring your father and mother" is so that "you may long endure on the land which the Lord your God is giving you."

Of the 1238 legal prescriptions which I have identified in the Pentateuch, 375 of them are accompanied by motivational clauses, bringing the percentage of motivated laws in the Five Books of Moses to 30%.<sup>23</sup> Of all these motivated laws, the highest percentage of motivation is found in the Holiness Code (Lev. 17-26) with 51%, and in the laws of Deuteronomy with 50%. It is interesting to note that humanitarian/moral prescriptions, which amount to only 8% of all the laws in the Pentateuch,

21. *Ancient Near Eastern Texts*, 3rd ed., p. 175. As the note at the bottom of p. 175 indicates, the term "aristocrat" in No. 196 is used in the sense of "noble."

22. See the detailed study by R. Sonsino, *Motive Clauses in Hebrew Law*, SBL Dissertation Series 45, (Chico, CA.: Scholars Press, 1980).

23. *Ibid.* p. 102.

contain the highest percentage of motivation in all of the law collections, namely, 53%.

In contrast to Biblical law, cuneiform law contains considerably fewer cases of motivation, and these are primarily found in the Laws of Hammurabi (6%) and the Middle Assyrian Laws (5%).<sup>24</sup> This difference between Mesopotamian and Biblical legal motivation perhaps points to the distinct function that the law played in each society.

The role that "cuneiform-law collections" played in ancient Mesopotamia is open to discussion. The consensus among scholars today is to consider cuneiform law not so much as applied law, but as "royal apologia and testaments"<sup>25</sup> designed to portray the king as one who has carried out the instructions of the gods in the realm of justice.

A number of scholars have claimed that the presence of motive clauses reflects cultic preaching during which a priest not only proclaims the injunction but also attempts to justify it by referring to various rationales.<sup>26</sup> There is, however, no need to be so restrictive. Most of the motivational clauses are formulated in the style used in wisdom literature, whether in Egypt, Babylonia or ancient Israel. The formal similarity between motivations, in wisdom and law, along with the recognized influence of wisdom upon law, suggest that the motive clauses in wisdom are the basic models for the formulation of the legal motive clauses. This would point to a much more general teaching function for the legal motive clauses, whether they are used by priests in their sermons or by sages in their classroom instruction of traditional law and lore.<sup>27</sup>

24. Ibid. p156f.

25. J.J. Finkelstein, "Amīšaduqa's Edict and the Babylonian 'Law Codes'", *Journal of Cuneiform Studies*, 15 (1961): 103.

26. Such as Beyerlin and Uitti. See Sonsino, *Motive Clauses in Hebrew Law*, p. 124f.

27. Ibid. p. 128f.

# *On Adultery in Biblical and Babylonian Law — A Note*

ROBERT GORDIS

ONE OF THE MOST STRIKING DIFFERENCES between Biblical and Mesopotamian law occurs with regard to the offense of adultery. While the Torah requires the death penalty for both partners in this case (Lev. 18:20, Lev. 20:10, Deut. 22:23), Mesopotamian law allows to the husband the option of sparing his wife's life (Hammurabi Code par. 129; Assyrian Code, Part A I. par. 14-16; Hittite Code par. 198). Some years ago, the American-Israeli scholar, Moshe Greenberg, offered an explanation for this greater severity of Biblical law, which has been widely accepted by scholars including Rifat Sonsino in the preceding paper, "Characteristics of Biblical Law." According to this view, Hebrew law regarded adultery as a sin against God and, therefore, beyond man's power to forgive. Babylonian law, on the other hand, treated it as a civil offense against the husband.

I believe that there are several grounds for questioning this proposed rationale for Biblical law:

1. In Proverbs 6:32-35, the sin of adultery is clearly regarded as an offense against the husband. The Sage warns his youthful charges that the aggrieved husband's wrath will not be assuaged by financial compensation for the offense. "He will accept no compensation, nor be appeased though you multiply gifts." If this conception of adultery as a crime against the husband ran counter to a fundamental Hebrew outlook, it could not have entered into the corpus of Biblical Wisdom literature. Of course, every crime committed against one's fellow-man is a sin against God.

2. The Hebrew prophets constantly employ the metaphor of a faithless wife who betrays her husband in order to describe the present relationship of Israel to God, and in order to urge Israel's repentance and reconciliation which will lead to God's forgiveness. (See, for example, Hosea 4:10-15; 5:3; 9:1; Jeremiah 3:1, 9; 5:7; Ezekiel 16:23-39 among others.) God is able to forgive Cain's murder of Abel; He surely can forgive the sin of adultery which is of the same level of importance in the Decalogue.

Above all, the prophet Hosea's experience, whether interpreted literally or symbolically, clearly envisioned the restoration of a love-

relationship after adultery on the human level.<sup>1</sup> Were the husband's forgiveness of adultery out of the question, the use of the metaphor by the prophets in their pleas for Israel's return to God would have been totally self-defeating.

3. In the case of David and Bathsheba, which is punished by the death of the child, the couple continue to live together and no exception is taken either by the actors at the time or by the Biblical historian. In fact, Solomon is the fruit of their union. It certainly does not suggest that adultery is always beyond the pale of forgiveness, Divine or human.

I would suggest an alternative explanation. The Biblical law on adultery was closer to that of the early nomadic, semi-nomadic and rural societies from which Hebrew civilization emerged. Hence, it preserved the stricter and more uncompromising moral standards of this earlier stage. Babylonian, Assyrian and Hittite law reflected the more advanced standards of a society considerably more urbanized. In this more sophisticated stage a more lenient approach to adultery would emerge, if only because the instances of the offense undoubtedly increased in number.

As time went on, the Hebrew practice and attitude also became more lenient, as is clear from the Biblical evidence in the Prophets and Wisdom literature adduced above. However, the ancient Hebrew horror of adultery remained in Biblical law and left its mark on various aspects of rabbinic halakhah. The strength and persistence of this attitude is clear from the Talmudic principle, "As the adulterous woman is forbidden to return to her husband, so she is forbidden (ever after) to her paramour" (B. *Sotah* 28 a). As happens frequently, law and life tend to diverge, with the law codifying the standards of an earlier period. This important exception of adultery aside, it is undeniable that a general tendency toward greater humaneness characterizes Biblical law as against parallel provisions in other Semitic law codes, as many scholars correctly point out.

Thus, we may cite an all-too-familiar yet frequently misunderstood example. The Biblical provision, "an eye for an eye," (Ex. 21:24; Lev. 24:20; Deut. 19:21), represents the *upper limit* of permissible punishment for an injury and forbids the unbridled exercise of the thirst for revenge. In the words of the Talmud, it is "an eye for an eye — and not a life and an eye for an eye" (P. *Ketubot* 38a). Rabbinic law went even further and permitted only financial compensation for physical injury (B. *Baba Kama* 84a).<sup>2</sup> Thus, Biblical and rabbinic law are at one in furthering a humane approach to the stresses and conflicts of human existence.

1. See R. Gordis, "Hosea's Marriage and Message," in HUCA, Vol. 27 (1954): 9-35, reprinted in *Poets, Prophets and Sages* (Bloomington, Ind.: Indiana University Press, 1971), pp. 230-245.

2. An interpretation of the law of adultery similar to our own was presented earlier by L.M. Epstein, *Sex Laws and Customs in Judaism* (New York, 1948), p. 199.

# *The Dilemma of Jewish Education: To Learn and To Do*

ISA ARON and DAVID ELLENSON

JACOB KATZ, IN *TRADITION AND CRISIS*, HAS pointed out that the process of socialization in European Jewish society at the end of the Middle Ages was such that what was taught and learned in the formal classrooms of the community was practiced and believed both in the public institutions of that society and in the Jewish home. Family, synagogue, *heder*, and *yeshivah* combined to present a similar view of the world to community members and each reinforced the system of practice presented by the other.<sup>1</sup> With the onset of the modern world this situation changed. The Jew's life became fragmented. No longer did the public institutions of society support the beliefs and praxis of traditional rabbinic Judaism. Indeed, the Jew, anxious to participate in the life of Western society, often eagerly cast away rites and beliefs of traditional Jewish life which would retard his entry into the contemporary Western world and its institutions. As a result, the Jewish family itself seldom served as a repository for traditional Jewish ideas and behaviors. The unity between public and private spheres which had previously marked European Jewish life had been torn asunder.<sup>2</sup>

In spite of this, many Jews in the Western world still want to affirm their sense of Jewish identity and, in addition, desire to transmit that identity to their children. However, as Judaism came to be localized in the synagogue, the burden of transmitting this identity has largely been placed upon the Jewish religious specialist — i.e., the Jewish educator. The educator's task in the modern Jewish world is thus a staggering one, for he/she often labors without the support system which existed in pre-modern Jewish society.

In this paper, we would like to reflect upon the nature and dimensions of this dilemma by considering a responsum written by Rabbi David Hoffmann (1843-1921) of Berlin, the leading Orthodox rabbinical authority in Germany during his era.<sup>3</sup> It illustrates the complex nature of

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1. Jacob Katz, *Tradition and Crisis* (New York: Schocken, 1961), pp. 183-198.

2. For an excellent account of the impact of modernization on Jewish life in the West, see Joseph L. Blau, *Modern Varieties of Judaism* (New York: Columbia University Press, 1966), pp. 24-25.

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the challenge confronting the Jewish educator in the modern period and addresses the related and knotty issue of Jewish identity. We will consider Hoffmann's understanding of these issues, describe his solutions to these problems, and, finally, in light of his comments, we will examine the tasks and goals of Jewish education in the contemporary period.

## I

In the case which came before Hoffmann, a rabbi asked what should be done about a nine year old boy — who had a non-Jewish mother and Jewish father — whose father desired that the boy learn about Judaism during the hours assigned to religious instruction in the German school system of the early twentieth century. The boy, the rabbi noted, was uncircumcised and the non-Jewish head of the school informed the rabbi that the boy was *kofessionslos* (without religion). However, the father wanted the boy to learn about Judaism rather than Christianity during the four hours a week that were designated for religious instruction. The rabbi, who was also the teacher of this class on the Jewish religion, told Hoffmann that he was unsure as to what to do with the boy. Was it desirable to convert such a youngster to Judaism, for he would certainly be non-observant. On the other hand, if he refused to teach the boy, the father might leave the community or might cause an argument to ensue. Therefore, the rabbi wanted to know, "What, according to the religion, should I do?"

Hoffmann replied by stating that the rabbi was correct in not wanting to convert the boy. No benefit, Hoffmann felt, could accrue to the community by converting such a child to Judaism. However, he realized that such a stance did not resolve the issue. For, Hoffmann continued, should Jewish knowledge be imparted to this boy? The question, he admitted, was a complex one. On the one hand, *Hagigah* 13a forbade the teaching of Torah to a gentile. On the other hand, examples abounded in Jewish history where sages of Israel had taught Torah to non-Jews. Hoffmann contended, though, that in the latter case the rabbis had done so only in instances where it would ultimately benefit the community of Israel. Otherwise, it was never done. Thus, he felt that if the father could be dissuaded from sending his son for such Jewish religious instruction, "Behold, it is good." The rest of Hoffmann's responsum reveals his reasoning on this matter.

The Torah of Israel (he wrote), is not only a song and rhetoric which one studies only to understand the religion of Israel. Rather, the purpose of Jewish religious learning is *lilmod v'laasot*, to study and to observe, and one who learns and does not observe, it would be better if he had not learned.

In other words, Hoffmann maintained that Jewish religious study has praxis as its ultimate goal. To study about Judaism, without intending to

3. David Hoffman, *Melammed L'Ho-il* (New York: 1954), *Yoreh Deah*, no. 77

practice it, was, for him, a perversion of Jewish religious learning. Thus, the father should be asked to remove his son from the class, as the boy certainly would not practice the laws that he would be taught in the school.

However, if the father refused to do so, Hoffmann said that there was another way. It was permissible for a gentile to study the seven Noahide laws which forbade idolatry, incest, murder, tearing a limb from a living animal, robbery, and the profanation of God's Name. In addition, they called for the establishment of courts of justice in society. All of these commandments were seen by Jewish tradition as having been commanded by God to all humanity. Precisely because all humanity was obligated to observe them, Hoffman felt that it was permissible, in this case, for the boy to learn them along with the other children. In other words, Hoffmann was totally consistent in his notion that religious learning involved both study and deed. As the child was obligated to perform these seven commandments from God, there was no violation of the dictum of *lilmod v'laasot* which characterized Jewish religious learning. In addition, Hoffmann believed that it was possible to teach this child selections from the Prophets and the Writings, as well as narratives in the Torah which warn against idolatry, for all of these would aid the lad in fulfilling the first of the Noahide precepts, as they would teach him about the wonders of God. Thus, in a practical vein, Hoffmann suggested that two hours a week be devoted to instruction of this type and two hours to instruction in Jewish ritual law which the boy was not required to observe. He could attend the first two hours, which he would be expected to obey, and be excused from the latter two, which would be "of no benefit to him." Hoffmann stated that if the father were not satisfied with such an arrangement, then the rabbi, assuming that he had the power, should simply remove the boy from the class.

Hoffmann's particular ruling in this case aside, it is crucial to note the larger implication which can be drawn from this ruling. As noted above, the ties between family and community which had marked the Jewish world in the pre-modern era had been torn asunder. Hoffmann was saying, in effect, that such a situation was to be lamented, but his own recommendation was that if what was taught in the school was going to be ignored at home, then it would be best not to attempt to educate the child at all. While we might disagree as to whether it might be desirable — in spite of the child's *halakhic* identity as a non-Jew — to educate him as a Jew, Hoffmann's larger point is the crucial one in this context. Should the teacher have the burden of attempting to instill Jewish knowledge and identity in a child when such efforts would probably be ineffective because of a lack of support in the home and the community? In viewing the tasks and goals of Jewish education, Hoffmann obviously felt that the answer was no. The remainder of his responsum makes this point clear.

"For such study (*Religionsunterricht* — religious education) as this,"

Hoffmann wrote, "is not taught for the sake of knowledge (*Wissenschaft*) alone, but in order to do." Thus, if one who does not perform or is not obligated to perform these teachings is taught in such a setting, then "it is a profanation of God's Name and of the Jewish religion." Furthermore, Hoffmann observed that Christians would not want their religion taught in such a manner in their school for they, too, he believed, would object to Christianity being taught in a religious setting to one who intended to learn about it only for the sake of knowledge. Rather, in a religious setting, the purpose of religious instruction, for a Christian, is to impart Christian faith and practice. Here, then, Hoffmann makes his point as explicit as possible. Religious education is not *Wissenschaft*, i.e., it is not knowledge for knowledge's sake. Such a method is entirely appropriate to the university setting. It is not appropriate to the religious one, where the teacher must realistically take account of the praxis that is likely to evolve from his/her teachings. Furthermore, the implication is that if such praxis is not likely to emerge, then he/she is not obligated to, and, indeed, ought not, teach what will not be practiced.

## II

As liberal Jews involved in many aspects of Jewish education, as faculty members with responsibility for the training of Jewish professionals, as creators of educational programs for children and adults and, not in the least, as parents, we find Hoffmann's responsum provocative and illuminating well beyond the particular case of a child born to a non-Jewish mother and a Jewish father. Although Hoffmann himself did not refer to Jewish children, his statement that "one who learns and does not observe, it would be better if he had not learned" poses a challenge to us in every one of our roles. For all but the most stringent and insular of Orthodox Jews, there is a disparity between the teachings of the tradition and our observance of that tradition. Though Jews may differ greatly regarding their particular practices, there are few American Jews (indeed, few contemporary Jews) who have not compromised some of the traditional *halakhah* for the sake of the exigencies of the modern world. Thus, for most of us, Hoffmann's injunction that *lilmod* is only for the sake of *laasot* poses a dilemma: how do we deal with those aspects of the tradition that we do not practice? For those of us who are teachers and educators of other people's children the problem is compounded: how do we teach Jewish values and norms to an audience which is likely to disregard or reject them? Should we accept Hoffmann's principle and refuse to teach children whose parents have no intention of practicing the traditions that we will be teaching?

For the individual Jew there exist a number of different methods for adjudicating between the demands of tradition and the facts of contemporary life; all of modern Jewish thought is, essentially, an attempt to respond to this central problem, which has faced Jews since their emanci-

pation. Indeed, Franz Rosenzweig, in his opening address at the Frankfurt *Lehrhaus* in 1921, observed that Jewish study in the modern period had to begin with where the individual Jew was — at the periphery of Jewish life — and bring him back toward the center. Thus, Rosenzweig produced a system of Jewish thought which taught that the process of God's revelation to the Jewish people was a dynamic one which necessitated an encounter with Jewish sources and history. Nevertheless, as a modern, he insisted that the task of the Jew was to transform Law — which he understood as being impersonal and static — into commandment, which he saw as a personal address by God to the individual Jew as well as to the Jewish community. In this way, individual autonomy — a modern concept — could be retained while yet maintaining a sense of commitment to both the tradition and the community.

Rosenzweig's solution to the problem that modernity presents to Jews and Judaism is echoed in style, if not in content, by all of the major philosophers of modern Jewish thought — from Mordecai Kaplan's rationalistic Reconstructionism at one end to Joseph Soloveitchik's and David Hartman's existential Orthodoxy at the other. All of these persons, as well as others not mentioned here, have responded from an essentially personal perspective to the challenges that modernity has presented to our people and our religion.

The endurance of the writings of these thinkers and the following that they have attracted is evidence of the fact that their proposed solutions have, at least partially, met the needs of some contemporary Jews. However, due to the compartmentalized and individuated nature of the modern world, these solutions work only for individuals and for very cohesive groups. Modern Jewish thought cannot entirely transcend its autobiographical origins. Its strength comes, indeed, from the fact that it grows out of each individual thinker's personal situation and represents the attempt to resolve that personal dilemma. Thus, it is entirely possible that a certain philosophy will have deep resonance for some, while it will leave others indifferent. An answer which is satisfactory to one person may not be so at all to a spouse, children, friends or neighbors.

*Al ahat khamah v'khamah* (how much the more so) in the case of one who teaches other people's children. However a teacher may have resolved his or her own individual conflicts, it cannot be expected that this resolution will satisfy others, especially when the people in question live in very different circumstances and hold different values.

Some recent research in Jewish education has confirmed what many have long suspected: that the values of the majority of students in religious schools are somewhat dissonant with those of their teachers and are in outright conflict with what is taught in the curriculum. *What was presented to Hoffmann as an isolated incident has become the norm in most Jewish schools, not because the children's mothers are not Jewish (although this, too, hap-*

*pens often enough), but because both parents, although Jewish by birth, have only a minimal commitment to living Jewish lives.*

David Schoem, a sociologist who undertook a participant observation study of the afternoon religious school of a suburban Conservative congregation, found that, for the majority of the parents of the school, "their Jewishness, particularly in terms of behavior, was a facet of life that was increasingly less time consuming and kept distinctively separate from their normative routine."

Parents who claimed to observe Jewish holidays, it was found upon further elaboration, often did not attend services, did not have special meals, did not light candles, or do any *action* that could be described as "observing." Observed attendance at Friday night and Saturday morning services showed that gathering the required minimum of ten people was not to be taken for granted except for special events such as a Bar/Bat Mitzvah or a school presentation.<sup>4</sup>

In situations such as the one described by Schoem, the educator must confront directly the issue raised by Hoffmann's responsum: Is it possible that it is better not to learn at all than to learn and not to observe? Interestingly, the apparent answer of individual educators and of the institutions in which they teach, does not differ according to religious ideology or affiliation with a particular movement. Based upon our own (admittedly impressionistic) observations, it would seem that the majority of Jewish schools, be they Orthodox, Conservative, or Reform, do not abide by Hoffmann's dictum. Although they have ample evidence of the foreignness to their students of the concepts, norms and practices that they are teaching, they seem to ignore this fact. Schoem cites the following example:

In what was a typical classroom lesson, a seventh grade teacher asked the students to describe in what ways the Sabbath differed from the other days of the week. In response to a student's answer that "on the Sabbath we pray," the teacher said, "But you pray every day." In this case not only was the teacher's response completely detached from reality, but the student who answered was also speaking in theoretical terms. Many of the students in the class had not been to a prayer service on the Sabbath for up to six months or more. When the teacher, who managed a restaurant on Friday evenings, then began to speak about "why don't we work on the Sabbath" students giggled incredulously because of the question's absurdity. Clearly, this lesson that was being discussed in first person terms, was, in the students' minds, about a people that was far removed from their own reality.<sup>5</sup>

It is not surprising, therefore, that the students in the school studied by Schoem found their Jewish education irrelevant.

The students learned that while being Jewish had some value and held some importance, certainly enough for their parents to be willing to fight

4. David Schoem, *Ethnic Survival in America: An Ethnography of a Jewish Afternoon School* (Unpublished Ph.D. Dissertation, UC Berkeley: 1974), pp. 61-62.

5. *Ibid.*, p. 115.

with them every week to attend, their experience at the school told them that its value relative to other activities and institutions, etc. was not so great. As such, they knew that Shalom school was important enough to attend, but not important enough to take seriously.<sup>6</sup>

Related to, but still separable from, a principled objection to teaching Judaism to those who have no intention of practicing it, there is a pragmatic question of whether Judaic instruction under such circumstances will have any effect. In the field of secular education there is a substantive body of research which demonstrates that, when the values of school conflict with those of home, students will, by and large, adopt the values and attitudes of their parents.<sup>7</sup> Not surprisingly, the small amount of empirical evidence available to us in the field of Jewish education is consistent with this finding:<sup>8</sup> in a conflict between the home and the school, the school rarely wins.<sup>9</sup>

One possible exception to this generalization is worth noting, because of its significance in both the Conservative and Reform movements, and this is the potential influence of the camping experience on adolescents. The philosophy of several Jewish camps has been to create for the camper a self-contained environment which is entirely Jewish and explicitly in conflict with that of the camper's home. The hope, in this case, is that once the adolescent begins to question his or her parents and to rebel against their life style, Judaism, as practiced at camp, will serve as an attractive alternative. There has been considerable speculation as to how frequently such "Jewish rebellion" has actually occurred. Certainly everyone knows individuals whose lives and values were, in fact, changed by the camp experience; the rabbinical schools of both the Reform and Conservative movements are filled with such people. What is, as yet, unknown is how the majority of campers were influenced by their experience. A longitudinal study of Camp Ramah is currently being planned and should provide some very useful information on this question.

With respect to religious schools and, in some measure, day schools

6. *Ibid.*, pp. 172-173.

7. For example, see the work of James Coleman, et al., *Equality of Educational Opportunity* (Washington, D.C.: 1966), and Harmon Ziegler and Wayne Peak, "The Political Functions of the Education System," *Sociology of Education* 43 (1970): 115-142.

8. See Steven Martin Cohen, "The Impact of Jewish Education on Religious Identification and Practice," *Jewish Social Studies* 36 (1974): 316-326; Geoffrey E. Bok, *The Jewish Schooling of American Jews: A Study of Non-Cognitive Educational Effects* (Unpublished Ph.D. dissertation: Harvard University, 1976); and Harold S. Himmelfarb, *The Impact of Religious Schooling: The Effects of Jewish Education on Adult Religious Involvement* (Unpublished Ph.D. dissertation: University of Chicago, 1974).

9. As Robert Gordis has pointed out to us, there are always exceptional cases. There are some children whose elementary Jewish schooling is a positive enough influence to outweigh their non-observant family environment. Without minimizing either the importance of these cases, or the obligation of the school to provide these children with information necessary for functioning as observant Jewish adults, we feel it would be unwise for a school to base its policies on such exceptions.



as well, it seems clear that ignoring the conflict between the home and the school is not a productive strategy. What alternatives remain? What solutions have various educators tried? Some have taken an approach which is an extension of Hoffmann's dictum and have made parental involvement and support a prerequisite for the students' enrollment in the school or, at least, in certain special programs. Among these are the Havurah School in New York City and, also, some religious schools which are otherwise more traditional. At the Society for the Advancement of Judaism in New York City, for example, students may celebrate their Bar/Bat Mitzvah only if one of their parents attends class with them. Programs and schools of this sort are too new and too few for us to know if, in the long run, their students will live more Jewishly than their counterparts in other schools. The impressionistic evidence at this stage seems to be that both children and parents at these schools take their Jewish education more seriously and that some parents have, at least temporarily, incorporated Jewish practices into their homes. It must be pointed out, however, that this can hardly serve as a remedy for the majority of the student population. If all Jewish education were established on this basis it is likely that many parents would be unwilling to participate and that many children would, therefore, be excluded.

At the other end of the spectrum lie those schools which have tailored their curricula to be more consonant with the values of the parents. Examples of such schools are the Yiddish *folk-shules* of 30 or more years ago, which stripped traditional Jewish celebrations such as Pesah and Yom Kippur of some of their ritual practices and transformed them into socialist celebrations of values such as freedom and justice. Today there exist schools which, on a less principled basis, have down-played certain rituals and certain thorny and particularistic subjects and have focussed their curricula on universalist ethical principles and on the arts. Here again, our evidence as to the success of these schools is only impressionistic, but it does seem as though their students enjoy classes more and do not perceive them as totally alien and irrelevant. The problem with this approach, of course, is that in the process of tailoring the curriculum to the mores of the times, some of the most basic and timeless elements of our tradition are left out. If all Jewish schools were to develop along these lines, it would not be long before their various students would cease to notice any unifying features that would make them all Jewish.

In between the two extremes, of denying instruction without parental involvement, on the one hand, and expunging those parts of the traditional curriculum with which parents are uncomfortable, on the other, lies a rather large and empty territory, the exploration of which is only just beginning. Clearly, parents must be encouraged, though perhaps not coerced, to become involved with the school; clearly, they must be educated themselves so they can deepen their own Judaic knowledge. Conversely, the Jewish tradition must be presented to students in such a



way that it takes cognizance of the difficulties which many Jews have and of the variety of choices that they have made.

The task before the Jewish educator is one of entirely new dimensions. Rather than merely being a conduit for traditional knowledge and values, he or she must become an agent of change. The successful educator must serve as an advocate for, and facilitator of, the Jewish involvement of the parents and as an interpreter and transmitter of contemporary Jewish thought. And those of us who are in ancillary positions of support must move beyond bemoaning the sad state of Jewish education to creatively exploring the ways in which we may help ease the educator's burden.

## *Stratagem*

EDMUND PENNANT

As scientists disintegrate germs  
with ultrasonic machines  
to use as antitoxins

so too, the Holocaust  
may be disintegrated and injected  
subtly into all of us. Then  
the particles would provoke  
a healing fever of forgetfulness.

It is against this reaction  
we must strike out, lest immunity  
prevent us from early alert  
to the next cholera of hate.

How strike out? With the elegant  
weapons of art, enabling us  
to learn by heart  
that death which is death  
to forget.

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# *Alcohol and Drug Abuse in the Perspective of Jewish Tradition\**

DAVID NOVAK,

## *1. Introduction.*

IT IS CLEARLY EVIDENT THAT ALCOHOL AND drug abuse, “substance abuse” for short, is a course of action that anyone who values life and well-being would choose to avoid consistently. Substance abuse obviously falls under those norms which prohibit causing ourselves physical, mental or emotional pain and deterioration. The Biblical prescription, “you shall be very careful with your lives” (Deuteronomy 4:15) has been continually reiterated throughout the history of Judaism.<sup>1</sup>

Although the above norm is immediately evident, two additional points require further analysis. First, the term “substance abuse” raises the question: Is all substance *use* necessarily *abusive*? Is there a definable difference between acceptable use of alcohol and drugs and unacceptable use, that is *ab-use*, of them? Second, if there is, indeed, such a definable difference between substance use and substance abuse in Jewish tradition, then we should attempt to discover how the tradition determines that difference and how it speculates about the underlying reasons for it. These questions, then, call for both halakhic and theological analysis.

## *2. A Proposed Ban on Marijuana Use.*

Ten years ago, in a collection of papers entitled *Judaism and Drugs*,<sup>2</sup> it was reported that a group of Orthodox teenagers had asked three leading Orthodox halakhists — Rabbis Moshe Feinstein of New York, Imma-

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\* The original version of this paper was the keynote address at the Conference on Substance Abuse: Drugs and Alcoholism in the Jewish Community, sponsored by the Federation of Jewish Philanthropies of New York on October 26, 1982.

All translations are by the author.

1. See TB *Baba Kama* 91b; *Hullin* 10a; Maimonides, *Hilkhot De-ot*. 4.1 and *Hilkhot Rozeah u-Shemirat Ha-Nefesh*, 11.5ff. In his *Introduction to the Mishnah*: Sanhedrin, chap. 10 (*Helek*), Maimonides attempts to see such norms as the rational content of the Torah (ed. Rabinowitz, [Jerusalem, 1961], pp. 118-119).

2. L. Landman, ed. (New York, 1973).

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nuel Jakobovits of London, and Aaron Soloveitchik of Chicago — if Jewish law permits or prohibits the use of marijuana. All three of these learned rabbis were unanimous in responding that marijuana use is prohibited.<sup>3</sup> Since new prohibitions sooner or later require justification in the classical sources of Judaism,<sup>4</sup> the rabbis based their opinion on three points: (1) marijuana use interferes with the study of the Torah and the performance of the commandments;<sup>5</sup> (2) marijuana use leads to “slavish sensuousness,” which is prohibited in Numbers 15:39 (“you shall not stray after your heart and after your eyes, following which you are lusting”), and which destroys free will;<sup>6</sup> and (3) marijuana use is a violation of Deuteronomy 22:8 (“you shall not place anything dangerous in your house”), which, in rabbinic tradition, is interpreted to be a prohibition of anything likely to be harmful.<sup>7</sup> Thus, they conclude, “The fact that it is not now harmful to a person does not preclude the chance that it may one day be . . . .”<sup>8</sup>

All of this sounds reasonable and, indeed, the way that these rabbis responded to the question indicates that they considered their conclusion to be rather obvious. Nevertheless, a rather powerful counterpoint was raised by Professor Benny Kraut (at the time a student at Yeshiva University), who wrote, “The fundamental flaw . . . is that no distinction is made between the ‘pothead’ and the occasional ‘social’ user.”<sup>9</sup> Later on he noted that all of the arguments against marijuana use *per se* could be used against alcohol use of any kind.<sup>10</sup> This point is a *reductio ad absurdum* since there is no prohibition against alcohol use *per se* in Jewish tradition, as we shall soon see.<sup>11</sup> Finally, he candidly stated that he always had diffi-

3. Ibid., 30ff.

4. See TB *Avodah Zarah* 35a and *Menahot* 29b; also, R. Ezekiel Landau, *Noda Bi-Yehudah* 11: *Hoshen Mishpat*, no. 1.

5. Similar reasons were used in rabbinic attempts to ban gambling. See TB *Sanhedrin* 24b; Maimonides, *Hilkhot Gezeilah*, 6.10 and *Hilkhot Edut*, 10.4. However, for the sense of rabbinic impotence in issuing such bans, see, e.g., R. Moses Isserles (*Ramo*) on *Shulhan Arukh: Oraḥ Hayyim*, 338.5 re *Baba Batra* 60b/bot.

6. See TP *Berakhot* 1.8/3c where the heart and the eyes are presented as the “two middlemen” (*sirsuray*) of sin. See Maim., *Hilkhot Teshuvah*, 6.3 for the question of how habitual sin results in the loss of human freedom. Cf. Philo, *De Specialibus Legibus*, 3.99.

7. TB *Ketubot* 41b and parallels.

8. Using similar reasons (with much better documentation), the late R. Nathan Drazin urged a ban on cigarette smoking. See *Judaism and Drugs*, 77ff., primarily based on M. Aberbach, “Smoking and the Halakhah,” *TRADITION*, 10.3 (Spring, 1969): 49ff.

9. Ibid., 205.

10. Ibid., 210-211. Kraut, basing himself mostly on L. Grinspoon, *Marijuana Reconsidered* (Cambridge, MA, 1971), assumes that moderate marijuana use is neither physically nor mentally harmful. Most of this view was disputed, however, by William Polin, M.D., Director of the National Institute of Drug Abuse, in his testimony before the Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, on July 10, 1979.

11. For an unsuccessful attempt in this direction, see TB *Baba Batra* 60b/bot. Prof. Kraut's logic is that of the Talmudic *tokheah*. See, e.g., TB *Kiddushin* 4b.

culty understanding the rule that on Purim one is to become so drunk that one can no longer distinguish between “cursed Haman and blessed Mordecai.”<sup>12</sup>

Kraut’s counterpoint clearly indicates that there is a difference in Jewish tradition between substance use, which is permitted, and substance abuse, which is, by definition, prohibited. Let us now see how this distinction was maintained concerning alcohol and, then, attempt to determine whether or not the same distinction can be made in the case of the use of a substance like marijuana, whose advocates argue that it is not at all dangerous if used moderately.

### 3. *Alcohol Use in Jewish Tradition.*

Alcohol plays an important role in traditional Jewish life. Most of the ancient texts refer to wine, but this is so because wine was the alcoholic beverage that was most widely used by our ancestors in the Land of Israel. It does not seem, however, according to a great many rulings, that the use of alcohol is necessarily limited, by the rabbis, solely to wine.<sup>13</sup>

First of all, the use of alcohol is considered a legitimate pleasure in this world. Thus, the Talmud notes that the Biblical *Nazir*, that is, one who has taken a vow to abstain from alcohol (among other things) is required to bring a sin-offering for “having sinned because of the life” (Numbers 6:11). The ostensive meaning of the Biblical text is that the Nazirite has sinned because of contact with a human corpse, something that the Nazirite vow precludes. Nevertheless, R. Eleazar Ha-Kfar, quoting R. Judah the Prince, states that in addition to this ostensive meaning of the text, the seeming redundant words “because of the life” (*al ha-nafesh*) also mean that the Nazirite had sinned against himself by “painfully removing (*ha-meza’er*) himself from wine.”<sup>14</sup> And this text is used as the prime example of a general rule prohibiting the denial of any legitimate bodily pleasure. Although there were definitely those in rabbinic tradition who advocated asceticism, including teetotalism, the preponderance of rabbinic tradition seems to have regarded ascetism as unnecessarily harsh.<sup>15</sup> Teetotalism seems to have been advised only for

12. *Judaism and Drugs*, 193-194. See TB *Megillah* 7b. For attempts to soften this seeming invitation to a Jewish bacchanalia, see Maimonides, *Hilkhot Megillah*, 2.15; Rabbenu Nissim (*Ran*) on *Alfasi* (*Rif*), *Megillah*, ed. Vilna, 3b; R. Joseph Karo, *Bet Yosef* on *Tur: Orach Hayyim*, 695/end; R. Moses Isserles on *Shulhan Arukh: Orach Hayyim*, 695.2; R. Samuel Edels (*Maharshah*), *Hidushay Aggadot* on TB *Megillah* 7b.

13. See, e.g., *Sifra: Shemini*, ed. Weiss, 46b; TB *Keritot* 1.20; *Keritot* 13b; TB *Pesahim* 107a/top. Many times the Bible or the rabbis were seen as using contemporary examples when enunciating a general principle, but the principle was by no means limited to these examples. See, e.g., M. *Baba Kama* 5.7; M. *Shabbat* 6.6.

14. TB *Nedarim* 10a and parallels. See Rashi and Tos., s.v. “*de-shnah*”; Rabbenu Nissim thereto; also, D. Halivni, *Mekorot u-Mesorot: Nashim* (Tel Aviv, 1968), p. 275.

15. See TB *Ta’anit* 11a-11b; also, TP *Berakhot* 2.9/5d and TP *Nedarim* 9.1/4b. Re the attempt

those who doubted their ability to “hold their liquor” and who feared what they might do when drunk.<sup>16</sup> In Judaism, alcoholism may very well be the abuse of the *privilege* to enjoy alcohol in moderation.

In the Bible we do have the example of the teetotaling Rechabites. However, the admiration for them, as expressed by the prophet Jeremiah, was not for their teetotalism *per se* but, rather, for their overall adherence to their ancestral traditions, of which abstention from alcohol was most prominent (Jeremiah 35:5ff.).

Second, alcohol was considered helpful in alleviating certain emotional symptoms, especially the immediate sadness of mourning. Thus, the Talmud notes that, originally, ten cups of wine were drunk in the house of mourning. As time went on more cups were added until intoxication became common. When this stage was reached, the original practice of ten cups only was reinstituted.<sup>17</sup> In another passage, wine seems to be recommended for mild depression, which is an insight going back to the Bible, namely, that “wine gladdens the human heart” (Psalms 104:15).<sup>18</sup> Along these lines it is worth noting that the Talmud indicates that a potion of wine and a narcotic were administered to criminals just before their execution in order that they lose consciousness and not suffer a painful death.<sup>19</sup>

Finally, wine is a ritual requirement in such Jewish ceremonies as *kiddush*, *havdalah* and at weddings. Thus, the Talmud interprets the Biblical commandment “Remember the Sabbath day to hallow it” (*le-kadsho* — Exodus 20:8) as “remember it over wine at its beginning.”<sup>20</sup> Although the late Professor Louis Ginzberg proved that unfermented grape juice was permissible in all of these rituals, it should be noted that he made this point during National Prohibition in the 1920s, when criminal elements controlled the “sacramental” wine business. However, even he clearly admitted that fermented wine was certainly the usual and preferred substance throughout Jewish history.<sup>21</sup>

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of R. Judah the Prince to limit the supply of wine in the Land of Israel to lessen “frivolity” (*ha-tiflah*), see TB *Avodah Zarah* 4.2 and TB *Baba Batra* 90b. Re asceticism, see, also, TB *Yebamot* 20a and Nahmanides (*Ramban*) on Lev. 19:2. Re the teetotaling Essenes as objects of admiration for their abstention from alcohol, see Josephus, *Bellum Judaicum*, 2.133, 138 and Philo, *Vita Contemplativa*, 73-74.

16. Note R. Judah the Prince again: “Why is the section about the *Nazir* juxtaposed to the section about the wayward wife (*Sotah*)? To teach us that whoever sees the *Sotah* in her disgrace will vow as a *Nazir* to abstain from wine” (TB *Nazir* 2a and TB *Sotah* 2a).

17. TB *Ketubot* 8b based on *Semahot* 14/end. See Maimonides, *Hilkhot Evel*, 13.8 and R. Joseph Karo, *Kesef Mishneh* thereto in the name of Nahmanides.

18. TB *Baba Batra* 12b.

19. TB *Sanhedrin* 43a re Prov. 31:6. See *Ibid.*, 45a and parallels.

20. TB *Pesahim* 106a. For wine as a requirement for *havdalah* “over the cup,” see M. *Berakhot* 8.5 and TB *Berakhot* 27b. For wine as a wedding requirement, see TB *Ketubot* 7b.

21. See *Teshuvah Bi-Dvar Yaynot* (New York, 1922), esp., pp. 7-12, 69-71.

#### 4. Alcohol Abuse in Jewish Tradition.

As much as the traditional sources advocate the personal, social and religious value of alcohol, so do they warn about its detrimental effects if used immoderately. Thus, the Talmud records that R. Kahana noted that a frequent word for wine, *teerosh*, could also be vocalized *teerash*. Now *rosh* means "head," whereas *rash* means "poor."<sup>22</sup> In other words, the one who uses wine intelligently and responsibly maintains proper self-control, whereas the one who surrenders to intoxication loses what he has. Hence, the personality of the drinker determines whether or not his drinking will be beneficial. In the Bible, the prophet Isaiah castigates "the drunkards of Ephraim . . . who are overcome by wine" (Isaiah 28:1). Intoxication was not in any way considered an exalted human state and the euphoria, which so often accompanies it, was not to be confused with religious bliss.

In the Bible, two of the sons of Aaron, Nadab and Abihu, are described as "bringing strange fire before the Lord which He had not commanded them" (Leviticus 10:1). For this action they died at the hands of God. Now the obvious question is: What was the specific sin which led to their death? Noting that immediately following this episode God tells Aaron and his remaining sons that they may not drink "wine and liquor" (10:9) when on duty in the Sanctuary, a midrash assumes that this very juxtaposition indicates that "the two sons of Aaron died only because they entered the Sanctuary intoxicated (*shetuyay yayin*)."<sup>23</sup> Nevertheless, God Himself says of them, "through those close to Me (*bi-kerovay*) will I be sanctified" (10:3). This episode undoubtedly troubled the author of the *Zohar* who queries, "We are taught that they were drunk, but would one give wine to drink on such an occasion, or could one suppose that they were so arrogant that they became intoxicated?!"<sup>24</sup> The answer given is that they were attempting to delve into the sources of sin, not to practice it, but to understand it in order to improve the world.<sup>25</sup> The same motivation is ascribed to the drunkenness of Noah. The author of the *Zohar* elsewhere condemns the loss of self-control which comes with drunkenness

22. TB *Yoma* 76b. For the possibility of vocalizing *teerosh* as *teerash*, see, e.g., Gen. 27:28.

23. *Vayikra Rabbah* 12.1 and 20.9, ed. Margoliot, pp. 255, 462-463.

24. *Zohar*, I, 73b.

25. I, 73a. In the text, the answer precedes the question. For the logical sequence of the passage, however, see the arrangement by R. Yudel Rosenberg in his *Sefer Zohar Be-Lashon Ha-Kodesh* II (New York, 1955), p. 34. The notion of experiencing sin in order to understand it was a major doctrine of the Sabbatean and Frankist heresies in the 17th and 18th centuries. See Gershom Scholem, "Redemption Through Sin," trans. H. Halkin, in *The Messianic Idea in Judaism* (New York, 1971), pp. 78ff. and *Sabbatai Sevi: The Mystical Messiah* (Princeton, 1973), pp. 864-865 re TB *Nazir* 23b. Even though Scholem's thesis that the *Zohar* is a product of the 13th century (*Major Trends in Jewish Mysticism* [New York, 1946], pp. 156ff.) is accepted by most scholars now, there is no doubt that the type of antinomian rationalization that was used by the Sabbateans and, later, by the Frankists, was used in earlier times as well. For the notion that too much experience with evil might well destroy the ability to overcome it, see Plato, *Republic*, 409A-C.

as being incompatible with true mystical insight (*sod*).<sup>26</sup> In these passages it seems that the *Zohar* is attempting to dispel any mystique of alcoholism. Intoxication is precluded from authentic mystical ecstasy.

On a more mundane level, intoxication is considered to be incompatible with the role of a teacher of Torah. The Biblical verse that we have been examining, “wine and liquor you shall not drink, you and your sons, when you come to the Tent of Meeting” (Leviticus 10:9) continues with an extension of this prohibition. Not only does it apply to the ritual roles of priests at the altar, but also to their role as religious authorities and teachers in the larger social setting, “to instruct authoritatively (*u-le-horot*) the people of Israel in all of the laws which the Lord your God has spoken through Moses” (10:11). Summarizing considerable rabbinic discussion of this norm, Maimonides generalizes as follows:

Just as it is prohibited for a priest to enter the Sanctuary because of intoxication, so is it prohibited for anyone, priest or layman, to offer normative instruction when drunk . . . unless he is instructing on a point we can assume is obvious to everyone already.<sup>27</sup>

Thus, the intellectual and moral insights associated with Torah are not to be diminished by intoxication.

The rabbis were also concerned with the effect of alcoholism on one's personal responsibility. A distinction is made between ordinary drunkenness, where there is still some degree of awareness and self-control, and the “drunkenness of Lot,” where all self-control and, indeed, awareness are lost.<sup>28</sup> In the former state one is considered fully responsible for the civil and criminal consequences of one's acts, being prohibited only from formal prayer. In the latter state one is considered exempt from any responsibility at all. Here we see that there seems to be a fundamental difference recognized between alcoholism as a disease, which overcomes all sense of freedom and responsibility, and drunkenness as a state that can too easily be rationalized and used as a cover for acts for which one is culpable. Here the rule of the *Mishnah* that “one is always responsible (*mu-ad le-olam*)” surely still applies.<sup>29</sup> In the case of the alcoholic, the root problem is not what he or she does when drunk but, rather, the drinking itself. It is for this that the alcoholic is culpable and must seek help in overcoming its destructiveness. Indeed, Lot, whose

26. III, 39a. Here the rabbinic proverb, “when wine enters, a secret (*sod*) comes out” (TB *Eruvin* 65a/bot.) is paraphrased to refer to wine as antithetical (*megalay razin*) to mystical insight, which is to be esoteric.

27. *Hilkhot Bi-at Ha-Mikdash*, 1.3. See *Sifra: Shemini*, 46d; TB *Eruvin* 64a; TB *Sanhedrin* 42a; *Keritot* 13b. See, also, *Shulhan Arukh: Hoshen Mishpat*, 7.5; R. Jehiel M. Epstein, *Arukh Ha-Shulhan: Hoshen Mishpat*, 7.5.

28. TB *Eruvin* 65a. See T. *Terumot* 3.1; Maimonides, *Hilkhot Mekhirah*, 29.18 and *Hilkhot Nezirut*, 1.12; also R. Simon ben Zemah Duran, *Responsa Tashbatz* (Amsterdam, 1739), no. 23.

29. M. *Baba Kama* 2.6.



drunkenness seems to be the paradigm for the judgment of the genuine alcoholic, is considered by the Talmud, elsewhere, to be a transgressor.<sup>30</sup> Without the feeling of guilt for his or her alcoholism, how can the alcoholic possibly be motivated to overcome it?

### 5. *Acceptable and Unacceptable Drinking.*

One could say that the difference between acceptable and unacceptable drinking is that intoxication should be avoided. Although each person's tolerance of alcohol differs and, therefore, each one must discover that level of tolerance, the Talmud did, nevertheless, establish certain quantitative standards for estimating the *average* level of tolerance.<sup>31</sup> But however useful such standards are in helping us apply norms pertaining to drunkenness, they do not tell us *why* drunkenness is to be avoided by Jews. The answer to such an essential question cannot come from simply measuring behavior. In a Jewish perspective we must see why the state of drunkenness is antithetical to the state of human existence that the *mizvot* intend.<sup>32</sup> Since this state of human existence is one lived in the community of observing Jews (*knesset Yisrael*),<sup>33</sup> we must understand why the authentic constitution of this community precludes drunkenness.

This is brought out in the attempt to understand the Torah's discussion of the juvenile delinquent — the *ben sorer u-moreh* — the “wayward and rebellious son” referred to in Deuteronomy 21:20. For such an offender the Torah prescribes execution, but only at the insistence of his parents. Now there was a considerable body of rabbinic opinion that believed this harsh rule was never applied and never would be, and that the whole commandment should be one for us to “interpret and receive

30. TB *Horayot* 10b re Hos. 14:10.

31. TB *Eruvin* 64b.; Maim., *Hilkhot Tefillah*, 4.17, notes both the individual dysfunctional definition of drunkenness as well as the quantitative definition of how much alcohol will cause drunkenness in the average person. Cf. R. Moses Isserles on *Shulhan Arukh: Oraḥ Hayyim*, 99.3 re R. Israel Isserlein, *Terumat Ha-Deshen*, no. 42.

32. For the necessity of intention (*kavvanah*) in the *mizvot*, see TB *Rosh Hashanah* 28b; *Shulhan Arukh: Oraḥ Hayyim*, 60.4; R. Zevi Hirsch Chajes, *Mavo Ha-Talmud*, chap. 9 in *Kol Kitvoy Maharatz Chajes* (Jerusalem, 1958), vol. 1, p. 315; A. J. Heschel, *God in Search of Man* (New York, 1955), pp. 306ff., and, esp., pp. 317-319, n. 3.

33. For the notion of *knesset Yisrael* as the community related to God by *mizvot*, see, e.g., TB *Berakhot* 53b re Ps. 68:14 and *Canticles Rabbah* 1.5 re Cant. 1:5. Thus, e.g., the definition of prohibited Sabbath labor was not based on an average level of exertion but, rather, on the thirty-nine labors that were seen as being involved in the construction of the Sanctuary in the wilderness by the people of Israel (M. *Shabbat* 7.2; TB *Shabbat* 49b, 97b re Ex. 35:1; TP *Shabbat* 7.2/9b; *Mekhilla: Vayak-hel*, ed. Horovitz-Rabin, 345). Just as the entire people participated in these labors as a community, so the entire people participated in refraining from them on the Sabbath as a community. Thus, as regards Sabbath observance, men and women are equal (TB *Berakhot* 20b re Ex. 20:8 and Deut. 5:12). For the idea of Sabbath as community-creating, see TP *Eruvin* 3.2/20d and M. Buber, *Moses* (New York, 1958), pp. 83-85.

reward,” namely, that we should attempt to find in it anthropological, ethical and theological insights, not legal norms *per se*.<sup>34</sup>

In the Biblical text, the parents of this juvenile delinquent accuse their son of being “a drunkard (*soṽe*).” The *Mishnah*, which attempts to present a quantitative criterion for the amount of alcohol which would make one such a drunkard, also notes that were this alcohol consumed at a “sacred event” (*ḥaburat mizvah*), then the boy would not be executed.<sup>35</sup> The Talmud analyzes the problem as follows,

R. Abbahu said that he is not guilty until he eats in a group who are all drunkards . . . We are thus informed that even if all of them are drunkards, because he is engaged in performing a *mizvah*, he would not be completely carried away.<sup>36</sup>

Later on the Talmud suggests that such a “sacred communal event” might even be something as commonplace as publicly comforting the mourners, which is not even strictly Biblical in origin.<sup>37</sup>

Now, what we see from all of this is that it is participation in an authentic Jewish communal event, a true *ḥaburat mizvah*, that can elevate even a group of drunkards from a drunken orgy to a community pleasing to God.<sup>38</sup> (One can debate, of course, to what extent many of our contemporary *shivahs* and *simḥahs* are *ḥaburot mizvah*.) Such an occasion must preclude drunkenness because it is characterized by Torahitic discourse which requires one’s full attention.<sup>39</sup> In theological terms it means that the body, that complex organ of sense and sensuousness, participates in a spiritual reality and is, therefore, limited, transformed and, indeed, intensified by it. Why, then, is the juvenile delinquent’s drunkenness so feared? Because of its ultimate consequences (*needon al shem sofo*), which are seen as his being violently estranged from both God and man.<sup>40</sup>

34. TB *Sanhedrin* 11.6 and TB *Sanhedrin* 71a. See D. Novak, *Law and Theology in Judaism* (New York, 1976), II, pp. 56-57.

35. M. *Sanhedrin* 8.2.

36. TB *Sanhedrin* 70b. The term *serikin*, which I have translated “drunkards,” is interpreted by Rashi thereon to mean “empty ones who would habituate him in this.” See A. Kohut, *Arukh Completum* 6:143.

37. TB *Sanhedrin* 70b. See Maim., *Hilkhot Mamrim*, 7.2.

38. See Drazin, *Judaism and Drugs*, p. 69.

39. There is an opinion, however, that grace after meals and other blessings may be recited when one is drunk (TP *Terumat* 1.6/40d re Deut. 8:10; *Mordecai: Eruvin*, no. 512; Isserles on *Shulḥan Arukh: Orah Hayyim*, 99.1). Nevertheless, a *ḥaburat mizvah* (i.e., an occasion governed by the rules of the ancient Pharisaic fellowship, (see *Encyclopedia Talmudit*, 12:509ff.) requires a level of attention (*kavvanah*) enabling the participant to comprehend the words of Torah said at it. Drunkenness, or any riotousness, would surely destroy the atmosphere which makes this possible (see M. *Demai* 2.3 and M. *Avot* 3.13; T. *Demai* 2.13). Such a level of attention is as high if not higher than, that required for prayer, from which drunkenness is precluded (see TB *Eruvin* 64a and TB *Berakhot* 31a/bot. re I Sam. 1:13). See, also, M. *Avot* 3.3 re Is. 28:8 and Maimonides’ comment thereon (cf. however, comment of R. Obadiah Bertinoro.)

40. M. *Sanhedrin* 8.5.

Indeed, according to the Talmud elsewhere, all of us are capable of such estrangement were it not for the sanctifying *mizvot*, which are compared to a life-giving potion (*sam hayyim*).<sup>41</sup> The problem, then, is not the substance abused but, rather, the level of social and religious estrangement of the substance abuser.

In the Aggadah, that genre of Jewish expression where the rabbinic mind engaged in so much profound and imaginative speculation, we see the interpersonal understanding of intoxication at work. In the cases of Noah and Lot, the two earliest examples of drunkenness in the Bible, the rabbis saw their intoxication as occasions of sexual regression and perversion. In both cases, this combination involved estrangement from kith and kin. The Bible explicitly presents Lot's drunkenness as what enabled his daughters to commit incest with him (Genesis 19:31ff.), while, in the Talmud, Noah's drunkenness is seen either as an occasion for homosexuality or of mutilation.<sup>42</sup> Concerning Noah, the Talmud imagines God speaking to him as follows:

The Holy-One-blessed-be-He said to Noah, "Noah! Did you not learn from Adam that it was only wine which caused his problem?" Now this is according to R. Meir who said that the tree from which Adam ate was the vine, for there is nothing which brings lament (*yelalah*) to man more than the vine.<sup>43</sup>

In other words, the Talmud sees the very beginning of the human predicament as an attempt to regress into a purely sensuous reality with a simultaneous repression of the spirit, the spirit which seeks God and other persons.<sup>44</sup> Thus, the Talmud continues its reflection on drunkenness, elaborating on the Biblical verse wherein the mother of Lemuel (usually seen as another name for King Solomon) admonishes him with the words, "Do not (*al*) go to the kings to drink wine, to the rulers where there is liquor" (Proverbs 31:4). She says to him, "What do you have in common with kings, who drink wine and become drunk and say, 'why do we need God (*El*)?'!"<sup>45</sup> Drunkenness is the result, not the cause, of the drinker encapsulating himself or herself in a windowless world, closing out everyone else either outside or above. The motivation, in today's parlance, is to be "stoned," or, in the words of a famous Simon and Garfunkel song, "I am a rock; I am an island. A rock feels no pain and an island never cries." It is like those who drink "the drink called loneliness" in Billy Joel's recent, moving song, "Piano Man." As a midrash says, "All this happened to Noah the righteous . . . how much more could it happen to the rest of humanity!"<sup>46</sup> In our attempts to treat substance abuse we must penetrate

41. TB *Berakhot* 5a/top; TB *Yebamot* 103b; TB *Kiddushin* 30b re Deut. 11:18.

42. TB *Sanhedrin* 70a.

43. Ibid. See Louis Ginzberg, *The Legends of the Jews* (Philadelphia, 1925), vol. 5, p. 190, n. 58.

44. See Maimonides, *Guide of the Perplexed*, 1.2.

45. TB *Sanhedrin* 70a.

46. *Tanhuma: Noah*, 13 (printed ed.).

to this very heart of darkness in order to understand its loneliness and its pain, however it cries out to us.<sup>47</sup>

#### 6. Can There Be A Halakhic Ban on Marijuana Use?

At the beginning of this paper I raised the question of whether there can be a legitimate use of marijuana, which, its adherents claim, is far less harmful than cigarette smoking when used in moderation.

In terms of strict halakhic precedent, if the claims of the supporters of marijuana use are, indeed, true, then the only objection one could offer is that, at present, it is illegal in the United States and we Jews are required to obey the civil and criminal law of the state.<sup>48</sup> Nevertheless, laws do change (for example, National Prohibition was repealed in 1933 after over a decade of widespread violation), and one could still be an advocate of the use of marijuana without being an actual user of a substance which is illegal at the present time. In fact, I have been able to find two related precedents which indicate that the inhalation of mildly stimulating substances is actually a part of Jewish religious life.

The *Mishnah* speaks of the burning of certain pungent spices after a meal and that every individual enjoying them was to utter a blessing, thanking God for the pleasure it brought.<sup>49</sup> In the Talmud's discussion of this *Mishnah*, Rav, an important authority, indicated that the sense of smell is the most spiritual of the senses, for it is associated with breath, and it is breath which denotes the life of both the body and the soul.<sup>50</sup> Indeed, ordinary experience teaches us how stimulating smell is to the imagination, to our capacity for fantasy.

Moreover, the *Mishnah* requires the use of pungent spices in the ritual of *havdalah*, when we officially end the Sabbath.<sup>51</sup> Now *havdalah* involves wine, a torch, and spices. Wine is used because it also initiates the Sabbath at *kiddush*.<sup>52</sup> A torch is used to signify that human labor, of which lighting a fire is the prime example, is now permitted, just as it was prohibited on the Sabbath.<sup>53</sup> Spices are used, according to R. Samuel ben Meir (*Rashbam*), an important twelfth century French Halakhist, "because

47. Thus the cry of the *mezora* (wrongly translated since LXX as "leper") in Lev. 13:45 is interpreted as a cry for our compassion and prayer (TB *Mo-ed Katan* 5a). Moreover, the condition of the *mezora* is seen as the result of his or her "evil tongue" (*lashon ha-ra*), i.e., estrangement from other persons (TB *Nega'im*, 6.7; *Arakhin* 15b re Lev. 14:2).

48. TB *Baba Batra* 54b and parallels.

49. M. *Berakhot* 6.6.

50. TB *Berakhot* 43b re Ps. 150:6. See, also, D. Novak, "Judaism and Contemporary Bio-Ethics," JOURNAL OF MEDICINE AND PHILOSOPHY, 4.4 (Dec., 1979): 365.

51. M. *Berakhot* 8.5.

52. Maimonides, *Hilkhot Shabbat*, 29.1 and R. Vidal of Tolosa, *Maggid Mishneh* thereon. See TB *Berakhot* 51b: the view of Bet Hillel; also, Louis Ginzberg, "The Significance of the Halachah for Jewish History," trans. A. Hertzberg, in *On Jewish Law and Lore* (Philadelphia, 1955), p. 105.

53. Maimonides, *Hilkhot Shabbat*, 29.27. See TB *Shabbat* 70a re Ex. 35:3.

of the loss of the additional Sabbath soul."<sup>54</sup> (According to ancient Jewish folklore a Jew receives an extra soul only on the Sabbath.<sup>55</sup>) In other words, in today's parlance, spices are used for a mild "high" after the exhilaration of the Sabbath has gone, leaving us depressed.

Does this mean that the use of marijuana may be sanctioned by Jews? Clearly, on grounds of strict halakhic precedent, this could be done with, I dare say, more cogent halakhic reasoning than is put forth for the prohibition of alcohol which we examined earlier in this paper. Nevertheless, I think that the question involves deeper historical and theological issues, which were what motivated the great halakhists of the past when they were faced with new situations. The decrees (*takkanot* and *gezerot*) that they arrived at, with the full knowledge of their power and responsibility to innovate, if need be, were based on general principles rather than specific precedents, for of these there were none.<sup>56</sup>

*I am opposed to permitting the use of marijuana, or even advocating the repeal of secular laws prohibiting its use, for the following reason.* Alcohol use has a long tradition going back to the very beginnings of our history. During that history its use has been both socialized and sanctified. As we have seen from both the Aggadah and the Kabbalah, where the Jewish imagination engaged in deep and moving speculation, the mystique of alcoholism was removed. Alcohol was not in itself worthy of praise, but only as a means of including the senses and their drive for pleasure into the transcendent realm of the spirit. Only the process of history, spanning hundreds of generations, could achieve such a view. In the case of marijuana, on the other hand, we have no such historical process of socialization and sanctification. There has not yet been the test of history. We do not yet know whether it enhances true community; perhaps it inhibits it. Furthermore, marijuana is more than a substance today. It has become *the symbol* of a whole drug culture, a culture based on the hedonistic imperative, "If it feels good, do it!" Can anything be more antithetical to Judaism, with all of its emphasis on sacrifice and discipline?<sup>57</sup>

In the past, our sages outlawed practices which, in and of themselves, were not objectionable, but, because of their association with cultures they considered antithetical to Judaism. The most prominent example of these is the use of gentile wine (*stam yaynam*). Two reasons are given for the ban on it: (1) it may very well have been used in connection with idolatrous rites (*yayin neseekh*),<sup>58</sup> and (2) it produced the type of social interac-

54. TB *Pesahim* 102b, *Tos.*, s.v. "Rav." See R. Abraham A. Sperling, *Ta-amay Ha-Minhagim u-Mekoray Ha-Dinim*, no. 409 (Jerusalem, 1972), p. 185.

55. TB *Bezah* 16a re Ex. 31:18.

56. See Maimonides, *Hilkhot Sanhedrin*, 2.4ff.; *Hilkhot Mamrim*, 2.9; Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1964), pp. 60, 242.

57. See D. Novak, "The Opposition to Circumcision," *SH'MA*, 12/227 (Feb. 5, 1982): 53-54.

58. TB *Sanhedrin* 60b; TB *Gittin* 52b-53a; TP *Gittin* 5.4/47a; TB *Avodah Zarah* 29b and Maimonides, *Hilkhot Avodah Zarah*, 2.5 and *Hilkhot Ma-akhalot Asurot*, 11.4.

tions which could then lead, in some cases, to intermarriage and total assimilation.<sup>59</sup> Such power of legislation is available to halakhic authorities in any generation. It seems to me that marijuana, although probably not objectionable as a substance *per se*, is *very objectionable* because of the hedonistic drug culture that it represents and symbolizes today.

Judaism is inconsistent with hedonism, not because it opposes bodily pleasure — quite the contrary, it oftens requires it — but because hedonism mystifies the body, seeing its pleasure as the end of all human life and striving.<sup>60</sup> Hedonism tells us that the *summum bonum*, the highest good, is to fulfill our body's desire for pleasure, and the highest duty is to love ourselves as bodies. Judaism tells us that the highest good is "the nearness of God" (Psalms 73:25-28) and the highest duty is "to love the Lord your God" (Deuteronomy 6:5).<sup>61</sup> The problem of substance abuse is the problem of what does human desire, in truth, entail. Judaism, in contradistinction to hedonism and all its cultures, to all its idolatries, teaches that "before You, O Lord, is my whole desire, and my cry is not hidden from You" (Psalms 38:10).<sup>62</sup>

59. TB *Avodah Zarah* 36b. See Novak, *Law and Theology in Judaism* II, 174ff.

60. See, e.g., TB *Shabbat* 133b re Ex. 15:2 and TB *Pesahim* 109a re Deut. 16:14; also, Solomon Schechter, *Some Aspects of Rabbinic Theology* (New York, 1936), 148ff. The 4th century Babylonian sage, Rava, in one place (TB *Rosh Hashanah* 28a and parallels) indicates that "the *mizvot* are not given for pleasure" (*lav layhanot*), but, in another place (TB *Sotah* 17a and parallels) he seems to indicate that a *mizvah* "does involve pleasure" (*eeke hana-ah*). It would seem, however, that the *mizvot* are not for the sake of extrinsic pleasure, but themselves involve intrinsic pleasure (*simhah shel mizvah*). See Plato, *Philebus*, 60B-E and Aristotle, *Nicomachean Ethics*, 1172a 15ff.

61. Even though R. Akibah stated that love of neighbor as oneself (Lev. 19:18) is "the great principle in the Torah" (*Sifra*, *Kedoshim*, 89b and TP *Nedarim* 9.3/41c), he also indicated that "your life takes precedence over that of another" (*Sifra*, *Behar*, 109c and TB *Baba Mezia* 62a/top re Lev. 25:36). On the other hand, as R. Akibah's own life eloquently testified (TB *Berakhot* 61b re Deut. 6:5), God takes precedence even over our own lives (TB *Sanhedrin* 74a). In fact, in later kabbalistic thought, even love of neighbor was interpreted as love of the *godliness* in him or her. See R. Shneur Zalman of Ladi, *Tanya*, 1.32.

62. One could, of course, interpret this verse as referring to God as the *knower* of all my desires (e.g., Rashi thereon). However, one can also interpret it, as did R. Judah Ha-Levi (see *Selected Poems of Judah Ha-Levi*, trans. N. Salaman [Philadelphia, 1924], p. 87), that God is the *object* of all my desire.

# *Whither Christian-Jewish Dialogue?*

NORA LEVIN

IN RECENT YEARS THERE HAS BEEN A SHARP increase in Holocaust studies within various disciplines at university level. Many, if not most, are to be found in the setting of departments of religion or theology. For students of history, this is a curious and somewhat disappointing fact; we would rather see such studies within that discipline. Yet it is not surprising that so convulsive and destructive a period of history should give rise to profound shifts and revisions of traditional religious thinking — both Jewish and Christian. What is unsettling is that the ferment in the classrooms, especially on the part of Christian students — the grave questioning, traumatized consciences and groping for new liturgies, texts and understanding — should leave so much unchanged where change counts: in churches, Sunday school lessons, sermons, catechisms and, most ominously, in the thinking of church leaders.

It is, of course, true that the events of 1933-45 in Hitler-Europe have compelled some thoughtful Christians to re-examine old dogmas and doctrines which prepared the way for the physical annihilation of Europe's Jews, and to re-think Christian understanding of Judaism, the Jewish people, and the State of Israel. The Holocaust has served as a shocking catalyst in this process. There have also been some pathbreaking Christian theologians and teachers, anguished by the connection between Christian doctrinal anti-Semitism and the Nazi genocidal program, who have been struggling to create new perspectives and directions in Christian-Jewish relations. Roy and Alice Eckardt, Eva Fleischner, John Pawlikowski, Harry Cargas, John Conway, Rosemary Reuther, Franklin Littell, Gregory Baum, Paul Van Buren and Claire Huchet-Bishop, among others, have constructed a fresh understanding of Judaism and Judaism's importance to early Christianity. They profoundly appreciate the Jewishness of Jesus and the Jewish milieu in which he lived and taught, and they are attempting to integrate these insights into contemporary Christian teaching and commentaries on texts. They have condemned the long history of Christian anti-Semitism, the triumphalism of the Church, the persistent derogation of Judaism and of the person of the Jew. They have accepted the historic Jewish yearning for a national homeland and they understand the significance of Israel for Jews. A few Jewish religious thinkers have responded to these fresh starts

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for dialogue and we are beginning to see a so-called post-Holocaust theology emerging. Lay Jewish agencies such as the Anti-Defamation League of B'nai B'rith have labored steadily to sustain this ecumenical effort. There have also been elaborate statements by Protestant and Catholic bodies setting forth guidelines for Christian-Jewish relations and, in general, urging a better understanding of Judaism, its traditions, customs and history. But it is doubtful that these pronouncements affect day by day preaching, teaching, or liturgy. Currently, intense hostility toward Israel is often intermixed with old ingrained anti-Jewish feeling. Moreover, recurring waves of conversion efforts aimed at Jews belie the occasional Christian pledge to give up *Judenmission* in the post-Holocaust world.

It is not only Jews who remain skeptical of change, but Christian leaders, too, who have expressed disquiet. For example, Dr. David R. Hunter, an Episcopal clergyman and former Deputy General Secretary of the National Council of Churches, admits that he is "not overly impressed" by evidence of improving Christian-Jewish relations: "One should be thankful for all changes which add to the promise for a new day . . . but it is questionable whether they either get at the basic causes of separation or happen on a sufficient scale to influence either the mass mind or the national trend." Professor Alice Eckardt of Lehigh University believes that "Christianity has failed to grasp the crucial nature of the questions raised by the Holocaust for its own theology and future," and that the church is "still linked to a supersessionist theology that bears the genocidal germ, in danger of repeating its complicity in criminal actions, and without credibility." Dr. Roy Eckardt, a distinguished religious thinker, has recently written that "Most Protestant and Catholic thinking of today remains quite oblivious to the *Shoah*. This is the overall state of affairs in North America." In Germany, he points out, only after

herculean and persisting endeavors over a period of fifteen years, the German church leader and teacher, Professor Heinz Kremers, has at last succeeded, together with Eberhard Bethge, in getting the Synod of the Protestant Church of the Rhineland to acknowledge . . . Christian co-responsibility and guilt for the *Endlösung*. (But) hostility to Judaism and Jews continues to pervade much present-day German biblical, and particularly New Testament, scholarship, not excepting the most respected and authoritative figures.

The French Paul Démann, former editor of *Les Cahiers Sioniens*, while urging a shift from a missionary to an ecumenical outlook, admits that the traditional missionary attitude toward Jews is widespread and has deep roots, "revealing an echo of the bitterness which a triumphant medieval Christianity experienced in the face of unrelenting Jewish resistance."

Obviously, re-thinking Christian positions and assumptions which have been held as self-evident truths for almost two millennia is painful and awkward and threatens cherished dogmas. Much of the theological

and doctrinal argumentation is, thus, defensive, condescending and triumphalist in the old mode, though with somewhat revised terminology. The Jew is still the "other," continuing on his "course of alienation," rejected and often abandoned by God, but still "His chosen people." The theology of rejection and supersession based on a hardened tradition of New Testament reading and interpretation clings to high-level Christian thinking as well as to sermons and popular attitudes. For Jews who traditionally have been apprehensive about Christian-Jewish "dialogue," post-Holocaust exchanges do not quell the sense of danger, but arouse new anxieties, despite the constructive work already alluded to.

The fundamental problem seems to lie in the very nature of theological discourse, which transfers and interprets sheerly historical events within a grandiose superstructure of assumptions, commentary, polemic and doctrine derived from a particularly slanted reading of the Bible. Scripture foretells history, and history unfolds according to scripture, in this highly specialized, unverifiable transfiguration of reality. Jews are cast into theological categories: as witness, rejected of God, doomed to suffer, to wander, to be denied salvation until they accept Jesus as Christ. We exist only in terms defined by the tensions and conflicts between the Old and New Testaments. We are given destinies and missions in terms shackled by the iron frame of scripture. The living history of the Jewish people in earthly time and space for the past nineteen centuries is nowhere absorbed or understood. One can not only lament but one should also protest the startling absence of any sense of a palpable, ongoing, day-by-day experience in the theologian's world of disembodied superstructure of thought. Neither the flesh and blood Jew of today nor the Jewish people in their great diversity can be comprehended within this frame.

The only Jews who can sincerely deal with this rarefied thinking are those who are largely or exclusively fundamentalist in their values and philosophy — and such Jews generally shun the whole interfaith enterprise when it comes down to theological exchanges. Thus, even theoretically, the vast majority of modern Jews are effectively omitted from discussion or partnership.

This point raises the further basic question of the essential *asymmetry* of the theologically defined partners. Christians do, indeed, belong to a well-defined faith community and adhere to certain principles and doctrines of that faith. Jews, on the other hand, are a people, some of whom adhere to Judaism religiously, some of whom do not. Theological exchanges assume a fundamentalist religious definition of Jewishness, yet there are many other ways of being Jewish, ways which reject the press into theological categories. Surely, since the time of the so-called Emancipation, following the French Revolution, most Western Jews have given up the notion of being God's Chosen People, of the expectation of a Messiah. Sinai and Exodus are generally accepted as once believed reli-

gious truths which, during the modern period, have become part of a cultural tradition. Most Jews do not read the Bible or prayer book literally. Orthodox Jews notwithstanding, most Jews do not believe that Israel was returned to them by God, or that the West Bank belongs to Jews by biblical sanction or divinely ordained writ.

Emancipation returned Jews to history, to the turbulence of living events in the world here and now, to a realization, even before World War II, that they were not utterly powerless but could help determine their own fate. This realization gave rise to political Zionism, Yiddish-oriented socialist movements of many varieties, a Hebrew and Yiddish cultural renaissance, and numerous Jewish rationalist critiques of pre-Emancipation Judaism. No one of these great movements in modern Jewish life is anywhere to be found within the framework of theological discourse, yet many Jews in the contemporary world define themselves within those essentially secular traditions, which constitute some of the most vigorous and creative forces in recent Jewish history. By no debating skill or finesse can these movements be pressed into the standard theological categories of God, halakhah, covenant, Messianic expectations, salvation and redemption, although these traditional concepts in Judaism may have had emotional and cultural power in the shaping of those movements, negative as well as positive.

What is to be made of such Jews by Christian theologians? To ignore them is to ignore all of post-Emancipation Jewish history. To confront them means a whole rethinking of theological dialogue, a much more radical task than the Christian re-thinking of Judaism in the post-Auschwitz world. Among other new starting points, it would seem necessary, as the Catholic philosopher Frederick Heer has urged, that the church itself immerse itself in the flow of history.

The withdrawal of the church from history, (he has written) has created that specifically Christian and ecclesiastical irresponsibility towards the world, the Jew, the other person, even the Christian himself, considered as a human being — which was the ultimate cause of past catastrophes and may be the cause of a final catastrophe to man.

This withdrawal from history among Christian theologians now, with the terrifying facts of the Holocaust in the foreground of Jewish consciousness, is alarming because the Scriptures are once more being searched and invoked in the old way to read and interpret history. A few examples among many that could be cited show how little has changed. At a recent conference, several Christian ministers declared that Jews were punished during the Holocaust because they are no longer God's elect. Jewish suffering in history is again being read back as spiritual failure, the refusal of Jews to accept Jesus as Christ, their loss of place as God's Chosen. In the work of a contemporary theologian, a man of great sensitivity and liberality of intention, the death of Jesus is once more described as foreordained in order to fulfill God's plan. Jews are

described as instruments in that fulfillment: Jews suffer for the sins of mankind "in order to fulfill God's plan for Gentiles."

Monsignor John M. Oesterreicher, editor of *The Bridge* and founder of the Institute of Judaean-Christian Studies at Seton Hall University, asserts that

unique though the Holocaust is, it has certain features in common with other catastrophic events in the life of Israel. Attempts to arrive at a theology of the Holocaust will remain futile unless we consider the responses and reflections of the victims and survivors of earlier disasters.

Daniel 7-12, Enoch 85-90, and Second Maccabees are referred to as pertinent texts for the events of 1933-45, as if *they* can tell us what really happened to Jews in Nazified Europe and why.

Stanley Hauerwas, a professor of Christian Ethics at the University of Notre Dame, preaching recently at Rockefeller Chapel of the University of Chicago, dealt with the resurrection and the Holocaust and said that six million Jews were put to death "for no other reason than that they claimed to be God's chosen people." He acknowledges the complicity of Christians in the Holocaust, but, pressing to wring a relevant reading out of the texts Job 42:1-6; Acts 5:12a, 17-22, 25-29; and John 20:19-31, he concludes that Jews must forgive Christians for this complicity.

In his search for a God-after-Auschwitz he wishes for a God, not of "sheer power," but a God of forgiveness, "a God that calls us to be forgiven. For that," he continues, "is the heart of the Gospel — namely that we have been forgiven for the Holocaust. Resurrection is not God's retreat from us, but rather the clear sign that nothing we can do can alienate us from his steadfast will to forgive and love us." In this particularly bizarre withdrawal from history, Christians become "the Jews" of the "Johannine crucifixion account on Good Friday" because they "have failed to be a community of forgiveness." Admitting that "Christian talk about forgiveness in connection with Auschwitz is nothing less than obscene . . . and cheap grace," this theologian nevertheless is pressed by the literal text of scripture to say it, in order to create "a community of the forgiven." Such a message, he confesses, is not easy, "but it is the message of the Gospel," and "under the discipline of those texts," a still further "more offensive claim is pressed: "For the resurrection not only means that we Christians have an obligation to accept forgiveness for the Holocaust, but we must ask Jews to forgive us, since the Christian task is to be a community of the forgiven." Forgiveness, in an intricate inversion of language, will give Christians "the chance to remember and to make this terrible event part of our common history as we look forward to the day when God's kingdom will come and we can embrace as brother and sister."

Transcendence is not only a great uplifter; it is a great oversimplifier, and although we all need to pull away from the narrow confines of day-by-day existence — religious communities especially so — the cus-

tomary perspective of theologians is to ignore history entirely and think in lofty, transhistorical mental constructs reverberating with the majestic cadences of scripture. Such utterances lend great authority to theological discourse, but suppress historical truth. They smother events in real time with far-away visions of a time beyond time, when the kingdom of God shall arise, and make the painful, grubby tasks of facing facts, taking responsibility, and changing attitudes too trivial and mundane to bother with.

The tyranny of reading history through scripture can also drive otherwise thoughtful persons into plainly offensive, insensitive ruminating about contemporary Jewry. One graduate student in a university Department of Religion who would like a reinvigorated Jewish life in Germany (sic!), offers this gratuitously patronizing observation of a Friday night service at the Jüdische Gemeinschaft in Freiburg:

... this service was like a hermetically sealed replica of pre-Holocaust Germany or Poland. To be sure, no Jews here or elsewhere dissent from the maxim "never again" in any significant way. But is there no more profound way to remember our dead than to preserve their religious protocol and replay it once a week? Fossilized remembrance, again, this time on the Jewish side. Without some sign of religious vigor, Germans can hardly be blamed for assuming that Judaism — if not Jewry — is a museum artifact.

So now the fragile old remnant in Germany must be creative in order for German Christians to have a Jewish partner sufficiently robust to be worthy of dialogue! The undercurrent of contempt in these words, the expectation that Jews, now as before, are expected to shape up to an impossible perfectibility, is disturbing in the extreme.

Father Gerard S. Sloyan, well-known New Testament scholar who teaches at Temple University, has warned Christian churches to

resist with all their strength the literalist spirit that is destructive of the meaning of the Bible and preserve the poetic imagery that alone conveys its meaning. Otherwise, this instrument of God's revelation will serve as a club to destroy imagined enemies rather than a fire to purge and a balm to heal. The Scriptures are meant by God to allay madness, not to induce it. (Two dangers are noted): the misreading of biblical prophecy in such a way that Jews become new scapegoats for certain types of "Christians" (and) the almost psychotic dependency on the words of a book as a means to ensure ideological certainty and moral superiority.

One of the statements of Vatican II, somewhat cool and patronizing, urged upon us a new era of mutual understanding and respect, "the fruit, above all, of biblical and theological studies as well as fraternal dialogues." The first, most heavily trod route, I am afraid, will lead to greater tension, rather than to less. To continue dealing with Christian-Jewish relations solely on a theological plane may risk the gentler possibilities of "fraternal dialogues" and, thus, human community. As a Jew, I don't want to be thought of as a theological category. Nor do I want to be described in Old or New Testament terms. Nor do I wish to be defined by promises,

threats, or expectations found in those texts, in order for us — Jew and Christian — to have civilized and fraternal relations. For the Jew, scripturally-inspired Christian reading of history has meant Jewish suffering carried out by flesh-and-blood men in the secular world. We have been plagued by this forked assault for centuries and have been witness in our own time to the greatest catastrophe in our history, rooted in part in that assault.

I see the dangers of a renewal of that tradition now, a mere generation after the Holocaust. Is there no other way toward reconciliation, out of this danger? A radical shift away from theological discourse onto a new plane of discussion, which recognizes the actualities of history and, most particularly, the concrete historical experience of the Jewish people since Emancipation, outside of the frame of sacred history? It was, indeed, these Jews, Jews in *human* history, rather than Jews in Christological form, who, during the Holocaust, were helped by some Christians, those righteous persons who risked everything to save and shelter them. The perils were great, but the terms on which they were saved were those of our common humanity. To care and save life was the holiest commandment. This was the voice that commanded the great and beloved Monsignor Angelo Roncalli, Father Benoit, Archbishop Saliege, Father Lichtenberg, and the thousands of as yet unknown and unnamed compassionate Christians all over Europe. The whole Christian community of Le Chambon, France, stands as glorious testimony to the impulse of humane responsibility beyond religious-cultural differences.

Our new plane of discussion might start with Martin Buber's interesting interpretation of Jesus as one whose Kingdom of God, according to Buber, meant not some apocalyptic transformation or ecclesia, but, rather, genuine community, the perfect life of man with man, a community in which every one thirsts for justice and righteousness, a community in which evil is resisted by doing good. I know that many Jewish as well as Christian theologians do not like Buber's interpretation. But could it not serve as a bridge across our theological space? And could it not help diminish the polemical abstractedness of theology itself? Is it not time to think of Christian-Jewish relations in terms of human community and human history?

# A Historical Approach to Halakhah

*Introduction to Jewish Law: Second Temple Period* (Hebrew). By ZEV FALK. Jerusalem. Mesharim Press, 1983. 388 pp.

Reviewed by THEODORE FRIEDMAN

EVER since it became a subject for academic study at Israeli universities, the term Jewish Law (*Dinei Yisrael*) has received the limited denotation of what is approximately comprehended as civil law, to the exclusion of ritual law (*issur v'heter*). And, yet, family law, which in good measure comes under the category of *issur v'heter*, is included in the term *Dinei Yisrael*. Aside from the general histories of Jewish Law, extending from the pioneering work of Isaac Hirsh Weiss, to that of Rav Zair (*Toldot Ha-Halakhah*) to Menahem Elon's *Hamishpat Ha-Ivri*, the last few decades have witnessed the appearance of a whole series of monographs each devoted to a specific area of the Halakhah. What has been notably lacking is a volume devoted to a synthesis of these studies limited to a specific period. Hence, every serious student of the early development of the Halakhah will welcome Prof. Zev Falk's study, which is not alone a comprehensive overview of the work of scholars who have preceded him in this or that area, but it overflows with original insights and suggestions on page after page. To this must be added the fact that the author provides the Halakhah with a comparative background drawn from the codes of law of the peoples of the ancient Middle East as well as those of Greece and Rome. The final significant merit of the work under review is the historical and social perspective that the author fur-

nishes for many of the Halakhot that he analyzes.

The period under discussion, as is well known, witnessed a whole series of events, epoch-making as well as cataclysmic, that metamorphosed the social, political and religious fabric of the Jewish people. It was inevitable that these events, that began with the re-constitution of the Second Jewish Commonwealth and ended with its destruction and the limitation of Jewish autonomy, find their echo in the growth of the Halakhah in that period. (Incidentally, on occasion, Prof. Falk goes beyond the strict chronological limitations of the Second Temple Period in order to indicate the direction that the Halakhah took in generations subsequent to the destruction of the Second Temple.)

The author's delineation of the *sitz im leben* of the early Halakhah sheds new light on the later Halakhah and frequently provides answers to questions which must occur to an inquisitive student of the Talmud. Moreover, he offers, *en passant*, a number of highly original interpretations of the meaning of some familiar Halakhic dicta in their prime context.

We turn now to a fleshing-out of the above generalizations, beginning with what was referred to in the previous sentence. As students of the Talmud are aware, a transgressor of the law could not be convicted and punished unless, among other things, he had been warned by two witnesses that what he was about to do was a violation of the law and entailed a specific punishment (the law of *Hatraah*). That being the case, one inevitably asks how was it ever possible to convict anyone, most especially in a case of homicide? On the basis of internal evidence, Prof. Falk suggests (pp. 104, 164) that, originally, when the offense was relatively minor, the



offender was let off by the court with a warning that a repetition of the offense would bring the imposition of the penalty provided by the law — a procedure akin to the present-day practice of a suspended sentence. Originally, too, this requirement of a previous warning did not apply to sexual offenses or homicide (*Tosefta Keritot* 1:16; *M. Sanhedrin* 9:5). Only later, as a reaction to the severity of the punishments meted out by a Sadduceean Sanhedrin, was the requirement of a warning by two witnesses prior to the actual committing of the offense instituted. One adds a bit of corroborative evidence to the author's illuminating interpretation. Assuming the interpretation to be correct, we would then have an explanation for the Talmudic dictum that "a scholar of the law does not require prior warning by two witnesses" (*Sanhedrin* 8b), since one may well presume that he is fully aware that the act is a violation of the law and that it entails a penalty. Contrast this Talmudic law in its final stage of evolution with the familiar adage, already found in Roman legal literature, that "ignorance of the law is no excuse."

To trace the growth of the law, Prof. Falk also has recourse to the extra-Halakhic literature of the period. We cite but one instance in which the Apocrypha and Philo are called upon to furnish the background of a particular Halakhah. It has long since been pointed out that the first sentence of the first Mishnah in *Kiddushin* represents a very ancient Halakhah. ("A woman is acquired in marriage by money, by the writing of a marriage contract and by cohabitation.") Its antiquity is evidenced both by the verb "acquired" — literally, "bought" — and the fact that the Schools of Shammai and Hillel differ in regard to the actual sum of money intended by the Mishnah.

Now the *Yerushalmi* (*Kiddushin* 1:1), in contrast with the *Bavli*, correctly interprets the Mishnah to mean not that all three are required but, rather, that any one of the three modes suffices. Prof. Falk points out (p. 269) that the term "money" is the Mishnaic formulation of the Biblical *Mohar*, given by the groom to the father of the bride; in other words, marriage by purchase. By the time of the Schools of Shammai and Hillel, all that was left of the purchase price was the symbolic nominal sum of a *perutah* or a *dinar* (according to the School of Shammai) given to the bride. Again, originally, the marriage contract was written by the father of the bride and given to the groom in a situation in which the father did not require a financial payment for giving his daughter as wife. This procedure corresponds to that described in the *Book of Tobit* (7:12-14) in which no mention is made of any payment by the groom. Later, this marriage contract developed into the *Ketubah*. Originally, the *Ketubah* was written at the time of betrothal (*erusin*), as attested to by a passage in Philo as well as by the incident involving Hillel, which is reported in the *Tosefta* (*Ketubot* 4:9).

Marriage by cohabitation reflects the practice of the poorer classes in the period prior to the destruction of the Temple. Members of this class, unable to pay the normal purchase price to the father of the bride, would come to live in the latter's home and, by their labor, work off the requisite payment; hence, marriage by cohabitation. A passage in the *Yerushalmi* (*Ketubot* 1:5) reflects this practice. ("Her husband — the groom — would co-habit with her while she was still in her father's house.") Since the actual circumstance out of which the practice of marriage by cohabitation arose was unknown to later generations of

Sages, they assigned to it a fanciful historical origin — *jus primae noctis*. Anthropologists seriously doubt whether the latter was actually practiced outside of medieval feudal Europe (see Ernest Crawley, *The Mystic Rose*, II, pp. 255, 6). In any event, the author suggests that a symbolic remnant of this mode of marriage remained in the procedure of having the couple enter a closed room shortly before their entrance into the *Huppah* (*Tosefta Ketubot* 1:4), not after the *Huppah*, as is the current practice (pp. 269-271). Seen in this light, the first Mishnah in *Kiddushin* takes on different meaning and thus forms an intelligible link in the long chain of the history of Jewish marriage.

We offer a final example of how the historical approach skillfully wielded by the author illumines otherwise puzzling Halakhot. The Biblical law forbidding overcharging (*onaah*) appears in the context of the sale of real property (Leviticus 25:14). The early Halakhah (*Sifra, Behar*, par. 3) specifically includes the sale of land as subject to the law of overcharging. On the other hand, the later Halakhah excludes the sale of land from that law (*M. Bava Mezia* 4:9). Why? The author suggests (p. 194) that, though the Torah (Leviticus 27:16) sets a fixed price for the redemption of land in a case where it has been pledged to the Temple, this law was not observed during Second Temple days. Instead, the redemption of such land required a committee of ten, one of whom was to be a priest (*Sanhedrin* 1:3), a sure indication of the difficulty of placing an equitable value on land and, therefore, its exemption from the law of overreaching. This explanation, while highly plausible, is not the only way of accounting for an otherwise puzzling Halakhah. An alternative one that this reviewer tentatively suggests is to be sought in the eco-

nomic conditions that obtained after the destruction of the Temple when Palestine witnessed a spiraling inflation. Every war, economists tell us, brings inflation in its wake.<sup>1</sup> This explains the frequent changes in the monetary system recorded in Tannaitic sources. Chattels, after having been used for some time, inevitably decrease in value, while land, given an inflationary period, invariably increases. What appears to be excessive today may prove, within a short space of time, to be the saleable value. That is why the later Halakhah exempts land from the law of overcharging.

This handful of examples suffices, we hope, to indicate Prof. Falk's method and originality. The scope of his book covers virtually every aspect of the civil law of the Halakhah, if not in detail then certainly in its most prominent features. The value of the volume is enhanced by copious, exhaustive notes that cite the literature, as well as by an index to the passages that are quoted in the text and that are drawn from both Halakhic and extra-Halakhic sources. This index renders the volume a highly useful reference work for the student of Talmud who is desirous of seeing it in historical perspective. In his preface, Prof. Falk promises a companion volume devoted to the judicial institutions of the period. The total picture that emerges is that of a system of law responsive to changing socio-economic conditions and growing moral insights; in a word, organic growth.

1. See Adolph Buchler's essay, "The Economic Condition of Judaea after the Destruction of the Second Temple" (Hebrew) in the volume of his collected essays, *Studies in the Mishnaic and Talmudic Period* (Hebrew).

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## Rashi: The "Compleat" Man

*Rashi: The Man and His World.* By ESRA SHERESHEVSKY. New York: Sepher Hermon Press, Inc., 1982. 265 pp. \$17.50.

Reviewed by IVAN G. MARCUS

THE most influential Jewish Bible commentator of all time, Rashi (Rabbi Solomon Yitzhaki of Troyes, 1040-1105) has received continuous critical attention from the earliest days of modern Jewish scholarship. Despite the bias of most nineteenth-century German-Jewish scholars in favor of medieval thinkers from Spain (a disposition that I have called "the Sephardic mystique"), no less a figure than Leopold Zunz wrote the pioneering biographical essay on Rashi.<sup>1</sup> He did this, despite the fact that Rashi lacked accomplishment in areas of "high culture" such as comparative philology, secular poetry and, above all, philosophy, which made the Sephardic luminaries bedazzle so many of the German-Jewish *Wissenschaft* scholars. Since Zunz's time, a distinguished array of scholarly studies on Rashi's life and works has appeared.<sup>2</sup> More recently, Yonah Fraenkel probed in depth Rashi's commentary on the Talmud, and Sarah Kamin devoted a lengthy doctoral dissertation to his methodology in the commentary to the Torah.<sup>3</sup> These studies, among others, demonstrate that Rashi scholarship is still very much alive.

1. L. Zunz, "Solomon ben Isaac gennant Raschi," *Zeitschrift für die Wissenschaft des Judentums*, pp. 277-385 (Hebrew trans.: *Toledot Rashi*, Warsaw, 1862). On the originality of this essay, see Ismar Schorsch, "From Wolfenbuettel to Wissenschaft . . .," *Leo Baeck Yearbook* 21 (1977), pp. 123-126.

2. Among them, see Maurice Liber, *Rashi* (1906); Eliezer Lipschuetz, *Rashi* (Hebrew; 1912); and Alexander Marx, "Rashi," in his

Esra Shereshevsky's *Rashi: The Man and His World* is another case in point. The author has collected and expanded his earlier specialized articles on Rashi as exegete, polemicist, and as recorder of aspects of everyday life in the Jewish and Christian communities in eleventh-century northern France. The result is a melange of studies on the commentaries which do not add up to a new, coherent interpretation of the whole. Still, readers will learn much from this conveniently assembled collection.

Following a brisk but informative review of the major contributions of earlier scholars on Rashi (Introduction), Shereshevsky offers a few short chapters on his biography and family as well as on eleventh-century Champagne, where Rashi was born, and Germany, where he studied (chs. 1-3). This is familiar ground, thanks to the earlier works of M. Liber, E. Lipschuetz, and A. Marx. Unfortunately, Avraham Grossman's important new conclusions pertaining to Rashi's schooling in Germany<sup>4</sup> appeared too late to get into this book.

Next, we find a lengthy chapter called, somewhat misleadingly, "Rashi's Interpretative Techniques" (ch. 4). Whereas we might expect this to be a new discussion of the classic issue of the commentator's attitude towards the "plain" sense (*peshto shel mikra*) and the

*Essays in Jewish Biography* (Philadelphia: Jewish Publication Society, 1947), pp. 61-86.

3. Yonah Fraenkel, *Rashi's Methodology in his Exegesis of the Babylonian Talmud* (Hebrew) (Jerusalem: Magnes Press, 1975); Sarah Kamin, *Rashi's Exegetical Categorization with Respect to the Distinction between Peshat and Derash* (Unpublished doctoral dissertation, Hebrew University, 1978). Cf. Benjamin J. Gelles, *Peshat and Derash in the Exegesis of Rashi* (Leiden: E.J. Brill, 1981).

4. Avraham Grossman, *The Early Sages of Ashkenaz* (Hebrew) (Jerusalem: Magnes

"allegorical" sense (*derash*) of Scripture, Shereshevsky presents, instead, a relatively narrow, if fascinating, account of Rashi's use of prepositions and of the accents (*te'amim*), and of other technical criteria for his glosses on the Bible. The author modestly yields to Eliezer Lipschuetz's conclusions as being the last word on the larger issue of Rashi's general approach to interpreting Scripture (p. 10), but Kamin has reopened this question and much still remains unclear.

After a chapter on Rashi as polemicist and another about differences in his approach to the Bible and to the Talmud (chs. 5 and 6), we come to the most fascinating part of the book, in which the author documents Rashi's awareness of hundreds of examples of everyday life. Through his eyes we see evidence about "Behavior, Manners and Dress" (ch. 7); "Health and Medicine" (ch. 8); "Arts, Crafts and Industries" (ch. 9); "Tools, Instruments and Utensils" (ch. 10); and "Foods, Cooking and House Furnishings." To be sure, much of this has been collected before, but for every detail Shereshevsky conveniently presents not only the verse or page reference to Rashi's Bible or Talmud commentary, but also a brief statement of the context in which it appears and an English translation of the quotation. Some selections, however, belabor the obvious and are even silly. We do not need Rashi to learn that drunkards stammer (p. 157), and are not enlightened by the fact that he knew this, too. Who doesn't?

But there are many delightful examples, as well. For instance, in connection with a discussion about carrying on the Sabbath, Rashi mentions many details about wom-

en's jewelry, including the fact that women had their ears pierced (pp. 162-3). He also records the information that butchers sometimes used their hands for scales, putting the meat in one hand and a weight in the other (p. 198). Beds of the well-to-do were four-posters or else had rods constructed to support a tent-like curtain to keep flies away (p. 230). And there are hundreds of other examples as well. Readers interested in this aspect of Shereshevsky's book should consult Therese and Mendel Metzger's pictorial study of everyday Jewish life in the middle ages, based on illuminated Hebrew manuscripts, which has recently appeared.<sup>5</sup>

Despite the limitations of this study, it clearly demonstrates that the Jews of northern Europe in the middle ages were aware of the world in which they lived and did not go through life wearing blinders. By combining his studies of Rashi as polemicist with those of him as observer of his world, albeit as exegete, not as anthropologist, Shereshevsky raises for us once again the issue of the alleged insularity of Ashkenazic Jewish culture. As polemicist, did Rashi read Latin, as Yitzhak Baer claimed decades ago,<sup>6</sup> or did he learn about Christian interpretations of Scripture from conversations "in the street"? We don't know, although the latter is more likely. But thanks, in part, to Shereshevsky's work on Rashi as polemicist, other scholars, such as Sarah Kamin and Michael Signer,<sup>7</sup> are probing for new answers.

If Rashi's awareness of Christian polemics is still unclear, there can be no doubt about his openness to

Press, 1981), Index, p. 455, s.v. R. Shelomoh b. R. Yizhak (Rashi).

5. Therese and Mendel Metzger, *Jewish Life in the Middle Ages* (New York: Alpine, 1982).

6. Yizhak Baer, "Rashi and the Historical Reality of his Times," (Hebrew) *Tarbiz* 20 (1949): 320-331.

all aspects of everyday life. It is obvious from his works that Jews and Christians lived in the same towns, walked the same streets, bought their household goods in the same markets and paid for them with the same coinage. For illustrating this fact in abundant detail, as well as for much more, we are grateful that Shereshevsky has made his work available in book form.

7. Sarah Kamin, "'Dugmah' in Rashi's Commentary on Song of Songs," (Hebrew) *Tarbiz* 52, 1 (Oct.-Dec., 1982): 41-58; Michael Signer, "Tradition and Innovation in Rashi's Exegesis of Psalms," *Prooftexts*, 3:3 (Sept. 83).

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## The Yiddish Theatre

*From Hester Street to Hollywood: The Jewish-American Stage and Screen.* Ed. by SARAH BLACHER COHEN. Bloomington, Ind. Indiana University Press, 1983. 278 pp., \$22.50.

*Laughter Through Tears: The Yiddish Cinema.* By JUDITH N. GOLDBERG. Rutherford, N.J. The Fairleigh Dickinson University Press, 1983. 171 pp., \$22.50.

Reviewed by SAM LEVE

AN eloquent job, Ms. Cohen!

The essays are all top drawer of an antique chest, well constructed and decorated with modernism. Truly, pearls of wisdom and of delight with a *Yiddishen taam*, strung onto our mothers' *Shabbos* shawls and tied to the fire-escapes down on Hester Street, and highlighted with the *Havdalah* candle by

Mendele's *Alter Yaknahaz*. And that bright six-pointed star compass, watching over our course while stretching uptown to get hooked onto the beams of the Kliegs, lighting up the Broadway sky.

But, when a Jew is celebrating in happiness he sheds a tear. As I scanned the roster of artists, I asked myself a painful question: Why did most of them (if not all) intermarry? Is this the beginning of the end of the line for us? Is your book, Ms. Cohen, the last of its kind? No, No! It would be calamitous for your beautiful book, so dynamically presented, to become part of a *Genizah* left on a dust-covered shelf in a tucked-away library.

Kaufman and Hart wrote a play, *The Fabulous Invalid*, about the ailing American Theatre fighting the last curtain call. Somehow, against all odds, it manages to keep the curtain raised and, surprisingly, to rousing applause. The Fallen Tabernacle of David has been constantly struggling against final dissolution. At countless frightening periods it seemed to have been held together only by single strands of thatch from its collapsing roof; however, almost miraculously, our phoenix, which is not an Egyptian *Bubba Maaseh* but *Sh'erit Hapletah* (A remnant of the Refuge) arose and continued to fan the warm embers of our *N'Shamah Y'terah* (Our Special Sabbath Soul). We never know.

We need them all — From the Hasidic to the Reform, from the Zionist to the American-firster, from the *T'hillim Yid* to the intermarried. I wish to oust no one from our camp. When there comes a basic showdown, *Dus Pintele Yid* manifests itself. My friends from way out left, whose theme song in the thirties was — "Solve the problem of the worker, and automatically the Jewish problem will be solved" — That's *yesterday's day-*

*dream!* Those friends of mine have learned better. They are now returning to us with support for Israel.

Jews left Eastern Europe for a better life in America. By recreating *shtetl* life and types, the Yiddish Theatre preserved the familiar within the unknown and made the new aliens less homesick. They bathed in this homey theatrical bathhouse. Its makeshift spectacles and grandiloquent acting about the quaint past, the loss of it, the search for it, the distaste for it, the joy for it provided a glamorous respite from their grim Hester Street lives. Though the Yiddish Theatre continued to flourish during the twenties and the early thirties, the immigrant audiences rapidly became more Americanized. The few fans who remained loyal to it no longer found material by gifted playwrights. And the hit, more often than not, had an outlandish plot in the form of *shund* (trash). Consequently, the more talented, like Paul Muni, Stella Adler, Molly Picon, Herschel Bernardi, Joe Buloff, Ben-Ami and others, abandoned the sinking Yiddish Theatre. But Maurice Schwartz kept his company afloat and continued *better theatre*.

At the opening of the 1939 season, Schwartz addressed his company, who were ready to rehearse *Three Cities* by Sholom Asch:

There's no room in my Theatre for *Purimspieler* (Jongleurs). We are all dedicated priests performing rituals in the people's Temple — The Theatre. And, Leve-enyu (I had just done *Caesar* for Orson Welles), if you intend to design *Sprintze on Riverside Drive*, I won't let you work in my Theatre!

On Isaac Bashevis Singer . . .

Pablo Picasso, a prize winner, cavorts with paganism. He defies our Creator's creation — anatomy. Isaac Bashevis Singer, a prize

winner, cavorts with satanism. He defies our creation — morality.

Singer is lauded for his *impassioned narrative art* with roots in the Eastern European Yiddish tradition, but his art veers from that tradition. Where are our giants, our sages, our humble ones, the *Lamed-Vavniks*, the salt of the earth? Did Singer's ghetto breed only diabolical scoundrels, procurers and harlots? However, with *Yentl* it's different, but still impish. In basic dramatic imagination, Singer's work is not Judaic, but medieval Christian, for it is contrary to Jewish concepts to deal with demons and evil spirits. The *Dybbuk* is intrinsically *Goyish* — (Since when do we Jews believe in summoning the dead from the grave?). The *Golem* is basically heathen in character — (Since when do we Jews believe that man can create life?). However, with their precious little details set in a Hasidic background, the works of Anski and Leivick have become classics in the Yiddish Theatre. I doubt if Singer's work will ever reach that status.

On Arthur Miller . . .

Turning away from his own immediate heritage, Miller returned to an even older one — *The Bible*. For Miller, the act of creation is not yet complete. Ethical man must place the finishing touches on it. Cain, however, lurks somewhere within us, threatening destruction but always capable of something better. That something better is life itself. In selling our inheritance, we sell ourselves short. In *The Price*, Old Solomon has lived so long because he is not afraid to live. In *Death of a Salesman*, the ordinary man is victimized and ultimately strangled by a system of values created by man, not by God.

On Clifford Odets . . .



In *Awake and Sing* and in *The Flowering Peach*, dominant women are concerned with the survival of the family and of tradition. Odets' Noah demands a covenant with God: "As You guarantee each month with the woman's blood that men will be born, give such a sign that you won't destroy the world again." And at that point a rainbow appears. Here Clifford Odets resorts to Biblical Prophetic writing. Moses, too, demanded a covenant with God, at the Golden Calf incident, not to destroy the Israelites.

As you can tell — I love the book. I must confine myself and cut it short.

On Neil Simon . . .

He is (*kmaayon hamitgabber*) like a spring with ever-sustained vigor. From *Come Blow Your Horn* in 1961, to *Brighton Beach*, now current, Neil Simon has been represented on Broadway every year, with the exception of '67, but he appeared twice in '66 and in '68. Most of his work is based on, or derived from, his Jewish heritage. Of over twenty plays plus films, all cannot be masterpieces, but they do have public appeal.

On the Holocaust . . .

The drama of fate reminds us that Man, should he choose, can die for something. The history of the Holocaust reveals that whether they chose or not, men died for nothing.

In Lawrence L. Langner, who wrote this section, I heard the aristocrat Isaiah condemning despotism, and the noble Jeremiah lamenting over the fate of his people. His writing is heroic, poetic prose.

The book has many more profound essays, well researched and theatrically motivated, presented,

nonetheless, for easy reading to those in and out of the theatre, to those in and out of the Jewish experience and to the readership at large. They include Cohen or Sandrow, writing generally on the theatre, and Lewis, specifically on the (*borscht-belters*) stand-up comedians, and critiques on Chayefsky and on Bellow, or comments on Woody Allen, Mel Brooks, Fanny Brice and Sophie Tucker, or criticisms of Lillian Hellman and Elmer Rice. This montage, venturing into the realm of the theatre, exudes warmth and prideful admiration, with due respect for the artists and their work. They are all ours.

Cloistered in their *daled ammot* (Ivory Tower), the self-annointed Rabbis condemn the theatre as pagan, frivolous and vulgar. They are not aware of *Simhat Bet Ha-Shoevah* (The Festival of the House of Water Libations — Prayer for rain) described in the Talmud as a grand spectacle, performed at the Temple in Jerusalem. Granted, our sages were against Dionysian worship or the Bacchanalian revels, but they couldn't possibly be against a play by Euripides or Sophocles. The flowery verse and sensual dialogue of *The Song of Songs* connotes a Pastoral Play. Rabbi Akiba, the founder of Rabbinic Judaism, regarded the book as an allegory and considered it a *Holy of Holies*. In the book of Job there is also poetic dialogue in dramatic form, pointing to a Morality Play. Both books — *The Song of Songs* and *Job* — can readily be compared with a Court Masque. Blinded by their thirteen-tailed fur crown, the zealots cannot perceive that, in the Theatre, we sing to the Dignity of Man, as in the Synagogue we sing to the Glory of God.

This commission has been an *Oneg Ruhani* (a rare joy) for me. A well-deserved feather in your Sab-



bath bonnet, Ms. Cohen, for a brilliant job.



It's four years after the October Revolution and the Czar's edicts against Jewish culture are repealed. According to the Communist Manifesto, there was Liberty for everyone to share in the bliss of the Soviet garden of Eden! And the Muzhiki are beating their plowshares into swords. The Poles are accusing the Jews of sympathizing with the Russians and the Russians are accusing the Jews of sympathizing with the Poles. And, as Hebrew is banned, Habimah emigrates to set up Theatre in Tel Aviv. Some left-handed film productions remain under the aegis of inexperienced shoestringers, under government watch dogs.

Operating out of New York, two experienced shoestringers of the so-called Golden Age of the Jewish Cinema were Joseph Seiden and Edgar G. Ulmer. Neither spoke Yiddish. My father had a word for their kind — "He, who knows no Hebrew, is an *am ha-arez* (a boor). He, who knows no Yiddish, is a *goy* (a Gentile)." I raise a question. How could these two goyim, lacking in *yiddishkeit*, not only in language, capture the sanctity of the unbroken golden chain of our continuity? We don't have to study drama with a commentary by Rashi to have an opinion on an ostentatious hodgepodge.

During a summer vacation I designed scenery at Grossingers. There I met Ulmer. He tried to con me:

"I can make you rich and famous, if you work for me . . . For my next film I need a Jewish house in Russia, with two doors and three windows."

"May I read the script?"

"I don't bother with that. My actors make it up while we shoot on location."

And he gave me his card. He is still waiting for my call.

On Allen Street, Joe Seiden found a booklet, printed in Poland, called *Love and Passion*. He paid twenty cents for it, spent the weekend rewriting it and cast the film on Monday.

I get my casts very easy. I hang around the beaneries on Second Avenue. There's always an actor who wants to get into the movies. I don't pay him nothin'. I buy him a coffee, give a smile and a promise and he is willing.

Plays such as *East Side Sadie*, *Where's My Child?*, *Mazol Tov Yidden* etc., all fall into the class of Seiden's *shund* (trash). However, the low comedy of Satz and Skulnick should not be classified with the above. Their comedy is the best in the Yiddish Theatre tradition . . . Of the better theatre plays, like *Green Fields*, *Dybbuk*, *Tevya*, *Fishke* etc., all were photographed almost directly from a stage performance, lacking in movie technique. "What does the audience know from technique?" grunted Ulmer.

Herman Melville's bon mot on *Moby Dick* is in order: "To produce a mighty book, one must choose a mighty theme."

Ms. Goldberg: The fractured Jewish Cinema is not a mighty theme. Nonetheless, your book on it can be an asset in the library of anyone who is in drama for love or for money. You have done a beautiful job in documenting. It is a scholarly opus, expertly researched. You write with color and love for *Yiddish*. Bless you.

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SAM LEVE is a scenic designer with much experience in the American and Yiddish theatre.



# ***Itzhak***

POEM : 249

**SARISLATER**

“It is good,” said the Lord  
When He saw the eyes  
He had fashioned.

“It is pleasing,” said the Lord  
When He heard the voice  
He had given.

“It is fit,” said the Lord  
When He surveyed the result  
of His Creation.

To rejoice in thee  
He molded me,  
That I might love  
His finest work,  
That I might praise  
The Lord Almighty  
Each time that I behold  
Adam in thee.

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SARISLATER is a student of Hebrew and Judaica. She writes short stories, essays and poetry.

### On Corporeality

TO THE EDITOR OF JUDAISM:

Rabbi David S. Shapiro's "*Possible Deus Homo?*" in the Summer 1983 issue of JUDAISM is a thoughtful and scholarly critique of what he takes to be my view of the proper Jewish evaluation of the Christian teaching of the Incarnation. Because of the wide ramifications of the subject, I must restrict myself to the essentials.

1. Rabbi Shapiro speaks of the danger of Jewish-Christian dialogue "since it may encourage a tendency to blur differences, consciously or unconsciously, in the name of brotherhood and harmony." While this danger certainly exists and must be resisted, there exists another danger which he does not mention: to consider automatically Jewish that which is the exact opposite of the Christian. If Christianity teaches that God became man, then Judaism must teach the antithesis: God has no attributes and, therefore, cannot be conceived by any human thought. By recoiling to the opposite of Christian teaching, Judaism is still permitting Christian thought to determine what is Jewish. Instead, we must examine these questions in terms of the dynamics of Jewish thought, without reference to whether the outcome brings us closer or moves us further away from any other point of view.

2. Rabbi Shapiro and I agree that God did not become incarnate in Jesus of Nazareth or any other human being. The disagreement begins when we ask whether this is enough or whether, in addition, Judaism teaches that this is an *a priori* truth, since God could not have become incarnate in any human being. I find no evidence for *a priori* truths in biblical or talmudic Judaism. The biblical and rabbinic mind is not philosophical and is not prone to raising such issues. It knows only what God did do

and what He did not do and would be rather suspicious of human beings who feel free to determine what He "could" or "could not" do. In a list of rhetorical questions, Rabbi Shapiro asks: "Can He make one equal two? Can God sin? Can He act unjustly?" I rather think that He could make one equal two since He is the creator of reason and could have created another reason, even if that other reason is inconceivable to us, given the reason that He has created for us. As for His acting unjustly, the God of Israel is the God who ordered Abraham to sacrifice his only son. I suspect that Rabbi Shapiro would have advised Abraham to reject this command as it could not, on *a priori* grounds, have come from God.

3. Rabbi Shapiro disposes of the vast number of biblical and rabbinic texts which apply human attributes to God by saying that these are meant symbolically and metaphorically and certainly not literally. His error is to see this in exclusive terms: either something is meant literally or it is meant metaphorically and if it is meant metaphorically (symbolically?) then there is no residue of the literal. The truth is that words almost never mean exactly the same things in different settings nor do they mean things totally different. Of course, when the Bible tells us (Gen. 11:5) that God came down to see the tower which human beings had built, this "coming down" is not meant in exactly the same sense in which I come down from the 19th floor to the first. But neither does my fever come down in exactly the way that an elevator does. If the Bible and the rabbis are comfortable with hundreds of human metaphors applied to God, then there must be some kinship between man and God. Otherwise, the Bible would have been written in the style of Aristotle's *Metaphysics*.

The thought that seems to upset

Rabbi Shapiro most is that God has a body. Together with Maimonides, he finds this idea totally intolerable. In his *Mishneh Torah* (*Teshubah*, III,7), Maimonides classifies as a heretic "he who says there is one ruler, but that He is a body and has form." This conviction is deeply imbedded in popular Jewish consciousness, perhaps partly in reaction to the Christian doctrine of the Incarnation. But it is worth noting that Rabad of Posquieres, the famous author of critical comments on Maimonides' major work, writes the following in connection with the above mentioned determination of heresy:

Why has he called such a person an heretic? There are many people greater than, and superior to, him who adhere to such a belief on the basis of what they have seen in verses of Scripture and even more in the words of those *aggadot* which corrupt right opinion about religious matters.

Even if we infer from this comment that Rabad himself rejects the view that God has a body, it is clear that, in his view, one can be "greater than and superior to" Maimonides and believe that God has a body. Such a belief not only does not turn one into a heretic, but leaves one a fairly good Jew. Thus,

there is room for difference in Judaism on even this critical matter.

5. If the Christian doctrine of the Incarnation and the Trinity were the antithesis of Judaism and were idolatrous, Judaism would have to classify Christians as idolators. The preponderance of medieval rabbinic opinion rejects this option and classifies Christians as monotheists. It is true that the consensus is that for a Jew to believe in Incarnation and the Trinity would constitute idolatry but not so for gentiles, since the definition of idolatry is less rigid for them than for Jews. Nevertheless, if Trinity and Incarnation, as taught by Christianity, were plain idolatry, it would be idolatry for gentiles as well as for Jews. It is, thus, clear that while Judaism cannot accept these teachings, neither need they be presented as the exact opposite of Jewish monotheism or simple idolatry. It seems that these teachings preserve essential elements of Jewish faith.

I deal with some of these issues at greater length in my just published book, *The Body of Faith: Judaism as Corporeal Election* (New York: Seabury Press, 1983).

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New York, NY



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### **American Jewish Life**

Bernstein, Philip. *To Dwell in Unity*. The Jewish Federation Movement in America Since 1960. Philadelphia: Jewish Publication Society, 1983. xv + 394 pp., \$19.95.

Bristow, Edward J. *Prostitution and Prejudice: The Jewish Fight Against White Slavery, 1959-1970*. New York: Schocken Books, 1983. 340 pp., \$21.95.

Dorn, Lois. *Peace in the Family*. New York: Pantheon Books, 1983. 177 pp., \$8.95 (paper).

Eisen, Arnold M. *The Chosen People in America*. A Study in Jewish Religious Ideology. Bloomington, Ind.: Indiana University Press, 1983. 237 pp., \$17.50.

Grose, Peter. *Israel in the Mind of America*. New York: Alfred A. Knopf, 1983. xiv + 361 pp., \$17.95.

Joselit, Jenna Weissman. *Our Gang*. Bloomington, Ind.: Indiana University Press, 1983. 209 pp., \$19.95 (paper).

Waxman, Chaim I. *America's Jews in Transition*. Philadelphia, Pa.: Temple University Press, 1983. 272 pp., \$24.95.

### **Bible**

Charlesworth, James H., ed. *The Old Testament Pseudepigrapha*. Apocalyptic Literature and Testaments. Garden City, N.Y.: Doubleday & Co., 1983. 995 pp., \$35.00.

Fox, Everett, trans. *In the Beginning*. A New English Rendition of the Book of Genesis. New York: Schocken Books, 1983. xxxvii + 211 pp., \$14.95.

### **Biography**

Ernst, Jimmy. *A Not-So-Still Life*. New York: St. Martin's Press, 1984. 272 pp., \$14.95.

Moskowitz, Ely. *Lord, Make My Days Count*. New York: Philosophical Library, Inc., 1984. 219 pp., \$14.95 (paper).

### **Christianity**

Hengel, Martin. *Between Jesus and Paul*. Philadelphia, Pa.: Fortress Press, 1983. 256 pp., \$13.95 (paper).

### **Education**

Schmidt, Stephen A. *A History of the Religious Education Association*. Birmingham, Ala.: Religious Education Press, 1983. 207 pp., \$14.95 (paper).

Spiro, Jack D. *To Learn and to Teach*. New York: Philosophical Library, 1983. 128 pp., \$7.50 (paper).

### **Fiction**

Blinkin, Meir, tr. by Max Rosenfeld. *Stories*. Albany, N.Y.: State University of New York Press, 1983. xviii + 166 pp.

Bloch, Alice. *The Law of Return*. Boston, Mass.: Alyson Publications, Inc., 1983. 251 pp., \$7.95 (paper).

Kaufmann, Myron S. *The Love of Elspeth Baker*. New York: Bantam Books, 1983. 848 pp., \$3.95 (paper).

Rosshandler, Felicia. *Passing Through Havana*. New York: St. Martin's Press, 1984. 230 pp., \$13.95.

Schwartz, Howard. *Elijah's Violin and Other Jewish Fairy Tales*. New York: Harper and Row, 1983. 303 pp., \$14.95.

Wiesel, Elie. *The Golem*. New York: Summit Books, 1983. 105 pp., \$12.95.

Yehoshua, A.B. *A Late Divorce*. Garden City, N.Y.: Doubleday & Co., Inc., 1984. 354 pp., \$16.95.

### **Halakhah**

Bleich, J. David. *Contemporary Halakhic Problems*. Vol. II. New York: KTAV, 1983. 423 pp., \$20.

### **History**

Avigad, Nahman. *Discovering Jerusalem*. Nashville, Tenn.: Thomas Nelson Publishers, 1983. 270 pp., \$24.95.

Bendiner, Elmer. *The Rise and Fall of Paradise*. When Arabs and Jews Built a Kingdom in Spain. New York: G. P. Putnam's Sons, 1983. 256 pp., \$17.95.

Goitein, S.D. *A Mediterranean Society*. Vol. IV: daily life. Berkeley, Cal.: University of California Press, 1984. xxviii + 492 pp., \$38.50.

Klepfisz, Heszal. *Culture of Compassion*. The Spirit of Polish Jewry from Hasidism to the Holocaust. New York: KTAV, 1983. xiii + 265 pp., \$20.00.

Marcus, Joseph. *Social and Political History of the Jews in Poland. 1919-1939*. Berlin: Mouton Publishers, 1983. 569 pp., \$68.20.

Trachtenberg, Joshua. *The Devil and the Jews: The Medieval Conception of the Jew and Its Relation to Modern Anti-Semitism*. Philadelphia, Pa.: Jewish Publication Society, 1984. xvi + 278 pp., \$6.95 (paper).

### **Holocaust**

Kugelmass, Jack and Jonathan Boyarin. *From a Ruined Garden: The Me-*



memorial Book of Polish Jewry. New York: Schocken Books, 1983. 275 pp., \$18.95.

Penkower, Monty N. *The Jews Were Expendable*. Urbana and Chicago: University of Illinois Press, 1984. 429 pp., \$21.95.

Yahil, Leni. *The Rescue of Danish Jewry*. Philadelphia, Pa.: Jewish Publication Society, 1983. 538 pp., \$9.95 (paper).

### Israel

Herzog, Chaim. *The Arab-Israel Wars*. New York: Vintage Books, 1984. 403 pp., \$8.95 (paper).

Liebman, Charles S. and Eliezer Don-Yehia. *Civil Religion in Israel*. Berkeley, Cal.: University of California Press, 1983. x + 308 pp., \$24.95.

Sanders, Ronald. *The High Walls of Jerusalem*. A History of the Balfour Declaration and the Mandate. New York: Holt, Rinehart and Winston. 1984. xx + 746 pp., \$24.95.

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### Juvenile

Ginsburg, Marvell. *The Tattooed Torah*. New York: UAHC, 1983. \$6.96.

Seymour, Peter. *Peter Spier's Little Bible Story Books*. New York: Doubleday & Co., Inc., 1983. \$7.95 (paper).

### Language

Kutscher, E.Y. *A History of the Hebrew Language*. Jerusalem: The Magnes Press, 1982. xxx + 306 pp.

Naveh, Joseph. *Early History of the Alphabet*. Jerusalem: The Magnes Press, 1982. 211 pp.

### Midrash

Neusner, Jacob. *Midrash in Context*. Philadelphia, Pa.: Fortress Press, 1983. 240 pp., \$23.95.

### Philosophy

Eidelberg, Paul. *Jerusalem vs. Athens*. In Quest of a General Theory of Existence. Lanham, Md.: University Press of America, 1983. 291 pp., \$16.50 (paper).

Kornberg, Jacques, ed. *At the Crossroads: Essays on Ahad Ha-om*. Albany, N.Y.: SUNY Press, 1983. xxvii + 207 pp., \$34.50.

Mendelssohn, Moses. *Jerusalem*. Hanover, New Hampshire: University Press of New England, 1983. 254 pp., \$10.00 (paper).

Plaut, Mordecai. *At the Center of the Universe*. Brooklyn, N.Y.: M. Plaut, 1983. 167 pp., \$12.00.

Rotenstreich, Nathan. *Man and His Dignity*. Jerusalem: The Magnes Press, 1983. 221 pp.

### Picture Books

Gursan-Salzmänn, Aye. *The Last Jews of Radauti*. 145 pp., \$24.95.

Handlin, M., M.S. Layton and R. Cassard. *Let Me Hear Your Voice*. Seattle, Wash.: University of Washington Press, 1984. 111 pp., \$19.95.

Nielsen, Palle. *Scenario*. Visions from the End of Time. New York: Pantheon Books, 1983. \$17.95 (paper).

### Poetry

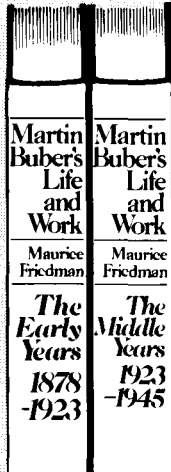
Frank, Bernhard, tr. *Modern Hebrew Poetry*. Iowa City, Iowa: University of Iowa Press, 1980. xiv + 176 pp., \$9.95 (paper).

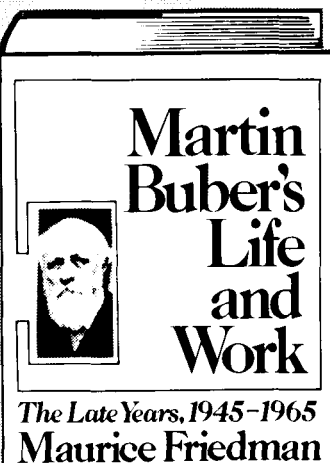
### Religion and Theology

Knobel, Peter S., ed. *Gates of the Seasons*. A Guide to the Jewish Year. New York: CCAR, 1983. 208 pp., \$9.95 (paper).

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